

FACE SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

AUG 30 1968

Office of Administrative Procedure

ENDORSED

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(Gov. Code 11380.1)

AUG 30 1968

Office of Administrative Procedure

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: August 30, 1968

By: *John C. Montgomery*

Director

(Title)

FILED

In the office of the Secretary of State  
of the State of California

AUG 30 1968

At 3:45 o'clock P.M.

FRANK M. JORDAN, Secretary of State

By: *Frank M. Jordan*  
Assistant Secretary of State

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DECLARATION OF FORMAL ACTION TO ADJUST GRANT MAXIMA  
TO REFLECT COST-OF-LIVING INCREASES

\*\*\*\*\*

Pursuant to provisions of Sections 12150, 12151, 12650, 12651, 13100, 13101, 13700 and 13701 of the Welfare and Institutions Code, the Consumer Price Index of the United States Bureau of Labor Statistics has been reviewed. The Consumer Price Index for California, adjusted to exclude the medical care component, and computed as directed in the Welfare and Institutions Code is 121.5. The Statewide Index of 121.5 results in a \$4.00 cost-of-living increase for all adult aid programs effective December 1968. These increases are predicated on an average of the separate indices for Los Angeles and San Francisco as published by the United States Bureau of Labor Statistics for the previously selected base month of June 1968, but with the medical care factor removed separately from each index.

Old Age Security

The percentage increase of the June 1968 Consumer Price Index without the medical care component is 14.85 percent over the December 1961 base of 105.79 which excludes the medical care component. When applied to \$100, the increase is \$14.85; when \$11.00 which has already been given is deducted, the balance is \$3.85. The cost-of-living increase to be effective December 1968, rounded to the nearest dollar is \$4.00.

Blind Aid Programs

The percentage increase of the June 1968 Consumer Price Index without the medical care component is 17.41 percent over the December 1959 base of 103.48, which excludes the medical care component. When applied to \$115, the increase is \$20.02; when \$16.00 which has already been given is deducted, the balance is \$4.02. The cost-of-living increase to be effective December 1968, rounded to the nearest dollar, is \$4.00.

Aid to the Disabled

The percentage increase of the June 1968 Consumer Price Index without the medical care component is 11.84 percent over the December 1963 base of 108.64 which excludes the medical care component. When applied to \$100, the increase is \$11.84; when \$8.00 which has already been given is deducted, the balance is \$3.84. The cost-of-living increase to be effective December 1968, rounded to the nearest dollar, is \$4.00.

Based on the above finding, I, John C. Montgomery, as Director of the State Department of Social Welfare, hereby declare and direct that the maximum grants in the Old Age Security, Aid to the Blind, and Aid to the Potentially Self-Supporting Blind programs, and the maximum average grant in the Aid to the Disabled program be increased as set forth below, effective December 1, 1968:

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|  | Increased |          |
|--|-----------|----------|
|  | From      | To       |
| Old Age Security, pursuant to Sec. 12150   | \$119.50  | \$123.50 |
| Old Age Security, pursuant to Sec. 12151   | 184.50    | 188.50   |
| Aid to the Blind, pursuant to Sec. 12650   | 139.50    | 143.50   |
| Aid to the Blind, pursuant to Sec. 12651   | 189.50    | 193.50   |
| Aid to Potentially Self-supporting Blind,<br>pursuant to Sec. 13100  | 139.50    | 143.50   |
| Aid to Potentially Self-supporting Blind,<br>pursuant to Sec. 13101  | 189.50    | 193.50   |
| Aid to the Disabled, pursuant to<br>Sections 13700 and 13701* (Average<br>grants computed statewide for all<br>recipients) | 111.50    | 115.50   |

\* This does not include increases provided in Section 13700.5 added by Chapter 183 of the Statutes of 1968 which raised the maximum ATD average grant by \$2.25 for fiscal year ending June 30, 1968 and by \$4.75 for fiscal year ending June 30, 1969. These increases were granted to meet an immediate emergency, and will terminate on or before June 30, 1969.

John C. McIntyre

Date AUG 30 1968

## DEPARTMENT OF SOCIAL WELFARE

2415 FIRST AVENUE, P.O. BOX 8074  
SACRAMENTO 95818



August 30, 1968

Office of Administrative Procedure  
Room 416  
1209 8th Street  
Sacramento, California 95814

Gentlemen:

Enclosed are five copies of a Declaration of Formal Action to Adjust Grant Maxima to Reflect Cost of Living Increases which was adopted by the Director of Social Welfare August 30, 1968. This declaration is being filed in accordance with Section 11380 of the Government Code.

This declaration is to become effective December 1, 1968.

Very sincerely yours,

John C. Montgomery  
Director

Enclosures

Determination by Consumer and Marketing Service of the U. S. Department of Agriculture, or by the State Department of Social Welfare, through audits or reviews of operations, that a county is failing to comply with the Federal-State Plan or the agreement executed in accordance with 5 above, shall be cause for suspending the program in the county. An opportunity to be heard before the Director shall be provided prior to any suspension.

**7. Voluntary Withdrawal**

The county may withdraw from the program upon official action of the county board of supervisors, rescinding the original resolution, and providing at least 60 days' notice to the State Department of Social Welfare.

Effective 9/1/68

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amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: August 30, 1968

By: John C. M. L.

Director

(Title)

FILED

In the office of the Secretary of State  
of the State of California

AUG 30 1968

At 3:45 o'clock P.M.

FRANK M. JORDAN, Secretary of State

By: [Signature]  
Assistant Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

FINDING OF EMERGENCY

The revisions of the regulations contained in the following department bulletin constitute an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Department Bulletin No. 652 (All Aids)

Re: Revisions in Overpayment Adjustment Policies  
PSS Regulations 44-333 through 44-335

The following facts constitute the emergency with respect to the action upon the regulations described above:

1. Current Federal regulations preclude the reduction of assistance payments because of prior overpayments unless the recipient has sufficient income or resources currently available, or unless the recipient wilfully withheld information about his income or resources.
2. Current departmental regulations do not conform to all of these Federal requirements.
3. A failure to revise these regulations operative as of September 1, 1968, in such a manner as to make them an acceptable part of the "California State Plan" on file with the Department of Health, Education, and Welfare of the United States under Title IV of the Social Security Act will jeopardize the eligibility of the State of California for substantial Federal contributions.
4. The loss of Federal funds will necessarily have an adverse affect on the public health, safety and general welfare of the people of this State.

The revisions of the regulations described above must, therefore, be adopted as an emergency measure effective September 1, 1968.

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**  
(Pursuant to Government Code Section 11330.1)

STATE OF CALIFORNIA—HEALTH AND WELFARE AGENCY

RONALD REAGAN, Governor

**DEPARTMENT OF SOCIAL WELFARE**2415 FIRST AVENUE, P.O. BOX 8074  
SACRAMENTO 95818

DEPARTMENT BULLETIN NO. 652 (All Aids)

TO: COUNTY WELFARE DEPARTMENTS

OVERPAYMENT ADJUSTMENT POLICIES - PSS  
REGULATIONS 44-333 THROUGH 44-335

Effective September 1, 1968

This bulletin has been adopted with a Finding of Emergency to be effective September 1, 1968. It modifies regulations governing grant reductions and current cash adjustments for overpayments. Insofar as Public Social Services Regulations 44-333 through 44-335 are in conflict with the provisions of this bulletin, the manual regulations are superseded by this bulletin.

**I. BASIS FOR MODIFICATION IN STATE REGULATIONS**

Federal policy, recently released, includes the following mandatory provision:

"Current payments of assistance will not be reduced because of prior overpayments unless the recipient has income or resources currently available in the amount by which the agency proposes to reduce payment; except that where there is evidence which clearly establishes that a recipient wilfully withheld information about his income or resources, such income or resources may be considered in the determination of need to reduce the amount of the assistance payment in current or future periods; ..."

**II. SPECIFIC MODIFICATIONS**

The revised federal policy (see I above) means that effective September 1, 1968, overpayment adjustment policies, as set forth in the above-cited regulations, are subject to the following modifications:

1. Overpayment is subject to adjustment in the "adjustment period by either grant reduction or by current cash adjustment only if (a) the recipient has liquid assets available at the time he is informed of the proposed adjustment which are equal to the proposed adjustment (if available liquid assets are less

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than the overpayment otherwise subject to adjustment, the adjustment may not exceed the amount of available liquid assets), or (b) the recipient wilfully withheld information concerning his income or resources.

A recipient "wilfully withheld information" within the meaning of this regulation when all of the following conditions exist:

- a. The recipient had been informed of his responsibility to report immediately any and all changes in his income, need, resources or other circumstances which might affect his eligibility or the amount of his grant.
- b. The recipient had been informed of the significance of such changes and the possible effect on his eligibility or on the amount of grant to which he was eligible.
- c. The recipient was capable of understanding the information given him and of reporting promptly.

and

- d. The recipient consciously decided to not report, to delay reporting or to misrepresent information material to a determination of his eligibility or grant. This includes, but is not necessarily limited to, situations where the recipient wilfully withheld material information until after he had utilized his income or resources for other purposes, his intent being to avoid a grant discontinuance or grant reduction for overpayment.
2. "Liquid assets" are defined in PSS Regulation 44-333.15 and that definition remains applicable. However, in evaluating "liquid assets" available for a current cash adjustment or for support during a future period of grant adjustment for an overpayment, that portion of the cash grant and income received by the recipient in the month(s) of overpayment to which he was eligible shall be excluded.

### III. EXPLANATION AND NOTIFICATION TO RECIPIENTS

The modification in policies as set forth above make it essential that recipients receive frequent and complete explanations regarding methods of grant computation, factors which may cause ineligibility or overpayment such as increases in income or resources, decreases in need, etc., and their responsibility to report such changes immediately. Explanations to recipients may be verbal, written or by both methods when necessary to help assure understanding.

It is recommended that the attached notice, or one similar thereto developed by counties, be included each month with the public assistance warrant. This or a comparable notice would serve as a frequent reminder

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to recipients of their responsibility to report changes in need, income or resources, promptly, and before such income or resources are utilized for other purposes.

**IV. COUNTY ACTION**

Prompt action by counties following any reported change is also essential to determine if there has been overpayment and, if so, the factors which caused the overpayment, what portion, if any, is subject to adjustment by grant reduction or current cash adjustment, and the amount, if any, for which there is a right to demand repayment. Except where the recipient has wilfully withheld information, there must be a careful determination with him of any liquid assets he has which will be available for a current cash adjustment or for his support during a period of grant reduction. If the recipient has liquid assets in the form of cash, a "current cash adjustment," in lieu of a grant reduction to adjust for the overpayment, will frequently be more convenient for the recipient than a grant reduction, will be simpler administratively for the county, and will help to assure the maximum adjustment of the overpayment.

**V. RELATED REGULATIONS WHICH REMAIN UNCHANGED**

Existing regulations governing determination of the amount of overpayment, time limitations for adjusting overpayment and right to demand repayment of any unadjusted overpayment remain unchanged.

This bulletin expires February 28, 1969, unless extended or incorporated into the PSS regulations.

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE

(Agency)

Dated: October 7, 1968

By: John C. Mufson

Director

(Title)

FILED

In the office of the Secretary of State  
of the State of California

OCT 8 - 1968

At 1:30 o'clock P. M.

FRANK M. JORDAN, Secretary of State

By: J. P. [Signature]  
Assistant Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

44-307 MONEY MANAGEMENT (Continued)

44-307

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AFDC

5. Required Services to Recipients or Families with Actual or Potential Money Management Problems

.51 Preventing Money Management Problems - General

Counseling advice and special services in the use of money shall be provided to recipients (families in AFDC) presenting actual or potential money management problems to the end that the aid payment will be utilized to the advantage of the recipient (the family and child in AFDC) and that money management problems may be prevented.

All services provided in connection with money management problems shall be directed toward assisting the recipient (the family in AFDC) to become self-managing and self-maintaining as soon as feasible and practical.

.52 County Welfare Department Responsibility

When a money management problem exists, the county welfare department shall:

- .521 Take appropriate steps to analyze the situation and to contact the recipient or his family, interested persons or or other principals who have demonstrated concern about his welfare.
- .522 Develop an individualized and administratively controlled plan for help in resolving the problem. An administratively controlled plan is one which:
  - a. Is documented.
  - b. Sets forth the agency's conclusion as to the factors contributing to the situation.
  - c. Establishes the frequency and nature of contact and the agency's action to be taken.

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44-307 MONEY MANAGEMENT (Continued)

44-307

AB  
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d. Establishes the responsibility for implementing and carrying out the necessary agency actions.

e. Reflects the results achieved by carrying out the plan and any modifications resulting from experience as the plan progresses.

f. Is reviewed and revised or reconfirmed at intervals not to exceed six months for the Adult Programs or three months for the AFDC program.

g. Is subject to administrative review and approval.

.523 Provide or arrange for those agency services or relationships which will enable the recipient or family to regain and carry a maximum degree of responsibility in managing his or their own affairs to the greatest advantage.

Services provided may include (but are not necessarily limited to) any one or combination of the following as appropriate:

a. Help and advice with budget planning, and planning of expenditures. This may include the possibility of follow-up interviews to confirm and discuss the extent of performance on a mutually defined goal and plan.

b. Consultation with creditors and/or participation in bringing the principals together for the purpose of achieving a mutual agreement.

c. A debt adjustment service.

d. Arrangements with other agencies or individuals for referral.

e. Use of volunteer services, as appropriate.

f. Arranging for participation in group counseling or guidance and complementary group service activities where proper and feasible.

g. Money payments at intervals of one or two weeks within the month.

h. As alternatives to protective payments (see .7 below) or vendor payments in AFDC (see .8 below), a variety of casework services and related techniques applied in the solution of the individual's or the family's problem.

i. Other appropriate services available in the community.

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44-307 MONEY MANAGEMENT (Continued)

44-307

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AFDC

j. Protective payments (see .7 below) providing there is factual evidence demonstrating that:

- (1) One or more of the conditions specified in .3 above are identified and establish the existence of money management problems.
- (2) The recipient's inability to manage his money is the result of a physical or mental incapacity.
- (3) The case is likely to benefit from a protective payment.
- (4) Other appropriate services do not suffice to solve the problem.
- (5) In the Adult Programs, total need of the recipient is met in accordance with the standard of assistance.

k. In adult programs, arranging for guardianship or conservatorship for the recipient when the evidence supports the conclusion that other services are not adequate and that a protective payment does not offer sufficient protection.

In AFDC, when it appears that the need for protective payments will continue beyond twelve months because all efforts have not resulted in sufficiently improved use of assistance in behalf of the child, judicial appointment of a guardian is to be sought.

AFDC | 1. Vendor payments, providing there is factual evidence demonstrating that:

- (1) One or more of the conditions specified in .3 above are identified and establish the existence of a money management problem;
- (2) The case is likely to benefit from the vendor payment; and
- (3) Other appropriate services do not suffice to solve the problem.

AFDC | .6 Administration of Protective or Vendor Payments

Protective and vendor payments are for short periods of time as part of a plan for strengthening the family's capacity to manage money. Such payments are not to be used to pay back bills. The reasons for use of such payments shall be documented in the record.

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44-307 MONEY MANAGEMENT (Continued)

44-307

AFDC/

.61 Protective Payments

When protective payments are made, no portion of the grant may be made as a vendor payment or a cash payment to the recipient. However, the substitute payee may provide the recipient with some cash to meet specified needs as part of a plan to improve the recipient's capacity to handle money.

.62 Combined Vendor and Cash Payments

When vendor payments are made, part of the grant may be paid as a cash payment to the recipient if there is supporting evidence to indicate that the family can manage part of the grant or if some cash is being provided to meet specified needs as part of a plan to improve the recipient's capacity to handle money.

No portion of the grant is to be paid as a cash payment when the WIN or employment sanction is applied as provided in Regulation 30-163.

.63 Payment for Budget Items

The amount paid as a vendor or protective payment for any monthly recurring item of basic need shall not exceed the amount specified for the item in the Itemized Cost Schedule unless:

- a. Total need of the family is met, or
- b. The recipient specifically requests in writing that the full cost of the item be paid.

In determining the amount of a protective or vendor payment for any item, the county and the substitute payee shall exercise care to assure that sufficient funds or other resources remain available for the other basic needs of the family.

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44-307 MONEY MANAGEMENT (Continued)

44-307

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AFDC

**.7 Protective Payments**

A protective payment is an assistance payment all, or portion, of which is made to a substitute payee serving as representative of the recipient. Such substitute payee is a person selected to represent the recipient but is not a legally appointed guardian or conservator of the recipient's estate.

Aid payments, generally, must be made directly to the recipient in accord with the basic money payment principle as set forth in Section 44-301. A protective payment may be made only within the limitations prescribed below.

**.71 Selection of Substitute Payee**

Selection of the substitute payee should involve consideration of the recipient's or family's preference insofar as practicable. The payee selected may be from the family's friends, relatives, neighbors, or from the clergy, church or community service groups. A staff member from voluntary agencies, such as family service or settlement centers or from public agencies administering health, rehabilitation, housing programs may act as substitute payee, if qualified and willing to serve. Others selected can be home economists, homemakers, house-keeping aides, practical nurses, but are not limited to these. Criteria for selection of the substitute payee shall include:

Interest or concern for the welfare of the recipient.

Ability to help the recipient to make proper use of the assistance payment.

Accessibility to the recipient.

Ability to establish and maintain a positive relationship with the recipient.

Good character and reliability.

**.711 Exclusions and Exceptions**

Excluded from those who may serve as substitute payee is any operator or person acting in behalf of any public or private facility responsible for the care of the recipient. Also excluded are the landlord, grocer, and other vendors of goods or services dealing directly with the recipient. In AFDC the spouse and adult child living at home are also excluded.

**.712 County Worker Serving as Substitute Payee**

When no other suitable individual is available, a qualified county welfare employee, other than the case carrying worker, his supervisor or the agency director, may serve as substitute payee. Although the case carrying worker may not serve as substitute payee, he is responsible for providing all necessary services to the recipient and for keeping the agency representative who is serving as substitute payee informed of the recipient's needs for which disbursements are necessary.

**.72 Role of Substitute Payee**

The individual who agrees to act as payee for a recipient assumes a dual responsibility--to the recipient and to the agency. In accepting an appointment, the substitute payee assumes the obligation to see that the assistance payment is spent for the benefit of the recipient and to work cooperatively with the agency in fulfilling this role.

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44-307 MONEY MANAGEMENT (Continued)

44-307

AB  
ATD  
OAS  
AFDC

.721 Substitute Payee-Recipient Relationship

The substitute payee shall have the authority to make decisions about the expenditures of the assistance payment. Whenever possible the recipient shall participate in such decisions and, in all instances, have the opportunity to at least discuss expenditures before they are made. Moreover, care shall be taken that the recipient's rights are not abridged.

.722 Substitute Payee-Agency Relationship

The county department and the payee shall share in the responsibility for development of plans to improve the recipient's capacity to handle money, the evaluation of the protective payment service, and progress made by the recipient in overcoming money management problems.

The payee shall be accountable to the department in assuring that the assistance payment has been spent on behalf of the recipient. This need not be a detailed account of expenditures, but may appropriately include a general report to the department of funds spent for the recipient such as a simple account book or a monthly certified statement signed by the substitute payee. (See Fiscal Manual Section, F-310.22.)

The payee's responsibility to the department shall be defined in writing, with a copy to both the payee and recipient. This shall be supplemented by discussion with the payee of the specific responsibilities, the objectives of the plan, the nature and frequency of the reporting expected and the relationship with other resources to be used. A clear understanding of the rights of the recipient and the confidential nature of the agency-recipient-payee relationship is essential.

.73 Appointment of Substitute Payee

The county department shall have the authority to appoint the substitute payee and shall assist him in providing constructive help to the recipient. It shall also have the authority and responsibility to terminate the payee's service when it is no longer necessary or should it be determined he is not acting in the best interests of the recipient. Before any action is undertaken to remove a substitute payee because of unsatisfactory service, careful evaluation should be made of the individual's performance and ability to continue in this role.

.74 Determination and Payment of the Assistance Grant When All or a Portion of the Payment is a Protective Payment

Total need of the recipient and the amount of the assistance grant are determined in the manner specified in the Need Determination Chapter and this chapter whether or not all or any portion of the payment is a protective payment. In making protective payments, care shall be taken to leave in the hands of the recipient as much responsibility as is possible and consistent with conditions. In the adult program, when only a portion of the assistance payment is paid to a substitute payee and the balance is paid to the recipient, it is important that each understand how the portion of the assistance payment made to him is determined, the needs covered thereby and his responsibilities in meeting those needs.

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44-307 MONEY MANAGEMENT (Continued)

44-307

AFDC .8 Vendor Payments

A vendor payment is an assistance payment all, or portion of which is made to the person or agency supplying goods or services to the recipient or family.

A vendor payment may be combined with a cash payment to the family. In such cases the recipient shall be clearly informed of the needs covered by the vendor payment and the cash payment, respectively, and his responsibility for meeting the needs covered by the cash payment.

Selection of the vendor should involve consideration of the recipient's or family's preference insofar as practicable.

.9 Controls and Records of Protective and Vendor Payments

The number of AFDC recipients paid in the form of protective or vendor payments for mismanagement is limited to 10% of each county's AFDC recipients exclusive of recipients in cases in which sanctions under the Work Incentive Program are applicable.

AB However, reporting on the total number of recipients and cases in  
ATD which protective or vendor payments are made will be required. Accordingly, ade-  
OAS quate controls and records must be established so as to permit such reporting.  
AFDC

.10 Termination of Protective or Vendor Payments

When recipients in the Adult Programs are considered able to manage funds in their best interests, the money payment shall be reinstated.

When the AFDC relative is considered able to manage funds in the best interest of the children, the money payment shall be reinstated.

In AFDC, protective payments shall not continue beyond twelve months unless guardianship of the caretaker relative has been sought and such action is pending or has been denied.

Effective 10/1/68

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## FINDING OF EMERGENCY

The following revisions and recodifications respectively of regulations of the State Department of Social Welfare constitute an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Revision of Public Social Services Manual Section 44-307 - Money Management

The following facts constitute the emergency with respect to the action upon the regulations described above:

1. Pursuant to an interpretation of regulations issued by the U. S. Department of Health, Education and Welfare, it has become possible for the State of California to make "Protective and Vendor Payments" in certain specified situations.
2. Prior to the receipt of this interpretation, a combination of cash and direct payments was not permitted.
3. There exists in the State a substantial number of recipients of Public Social Services whose interests are best served by a protective payment plan combining protective and vendor payments.
4. In the absence of a plan which combines direct cash and vendor payments, these recipients are frequently unable to secure adequate housing or to remain in housing presently occupied by them.
5. Any delay in the implementation of the regulations described above would aggravate the danger that these recipients may be rendered homeless and without shelter.
6. Any such delay would therefore necessarily jeopardize the public health, safety and general welfare.

The revision described above must therefore be adopted as an emergency regulation effective immediately upon filing with the Secretary of State and with an operative date of October 1, 1968.

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(Pursuant to Government Code Section 11380.1)

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and correct copy of regulations adopted, or  
amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE

(Agency)

Dated: October 28, 1968

By: *John C. McIntyre*

Director

(Title)

FILED

In the office of the Secretary of State  
of the State of California

OCT 31 1968

At 12:40 P.M.

FRANK M. JORDAN, Secretary of State

By: *W. H. Sullivan*  
Assistant Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

WELFARE PERSONNEL STANDARDS  
12-815.9 - 12-857.9 CLASSIFICATION AND SALARY TABLES Regulations

## TABLE III-A

Statewide Salary Standards for Social Service Classes  
Primarily Used by County Welfare Departments

| WPS      | Class Titles                  | Entrance Salary<br>Standard for<br>1968-69 Fiscal Year |
|----------|-------------------------------|--|
| 12-857.9 | Social Service Supervisor IV  | \$1010   |
| 12-856.9 | Social Service Supervisor III | 915  |
| 12-853.9 | Social Service Supervisor II  | 870  |
| 12-840.9 | Social Service Pract. II      | 810  |
| 12-836.9 | Social Service Pract. I       | 755  |
| 12-850.9 | Social Service Supervisor I   | 740  |
| 12-833.9 | Social Service Worker III     | 660  |
| 12-830.9 | Social Service Worker II      | 605  |
| 12-820.9 | Social Service Worker I       | 570  |
| 12-816.9 | Eligibility Worker II         | 475  |
| 12-815.9 | Eligibility Worker I          | 430  |

Effective 12/1/68

**FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**  
(Pursuant to Government Code Section 11360.1)

Regulations

WELFARE PERSONNEL STANDARDS  
CLASSIFICATION AND SALARY TABLES

12-815 - 12-856

TABLE I-A

DO NOT WRITE IN THIS SPACE

TABLE I-A

## TITLES AND DEFINITIONS FOR SOCIAL SERVICE CLASSES PRIMARILY USED BY WELFARE DEPARTMENTS

| <u>WPS</u> | <u>TITLE</u>                   | <u>WPS</u> | <u>DEFINITION</u>   |
|------------|--------------------------------|------------|---|
| 12-815     | Eligibility Worker I           | 12-815.1   | Entering level eligibility worker. Under close supervision, learns to determine initial and continuing eligibility for one or more aids in accordance with established procedures and to refer applicants and recipients who appear to be in need of social services to the appropriate social service staff.   |
| 12-816     | Eligibility Worker II          | 12-816.1   | Journeyman eligibility worker. Under close supervision, determines initial and continuing eligibility for one or more aids in accordance with established procedures and refers applicants and recipients who appear to be in need of social services to the appropriate social service staff.  |
| 12-820     | Social Service Worker I        | 12-820.1   | Entering level public assistance worker. Under close supervision, learns to determine the need of applicants or clients for social services which are specific in nature.   |
| 12-830     | Social Service Worker II       | 12-830.1   | Journeyman public assistance worker. Under supervision, carries a caseload of moderately difficult cases involving the need of applicants or clients for social services which are specific in nature; performs social studies in identifying needs for more intensive case-work services; provides limited casework services of a tangible nature.   |
| 12-833     | Social Service Worker III      | 12-833.1   | Advanced journeyman public assistance worker. Under general supervision functions as a leadman or in services involving the most difficult technical questions and procedures.  |
| 12-836     | Social Service Practitioner I  | 12-836.1   | First professional level worker. Under direction deals with a broad spectrum of complex individual and family problems; searches out and assesses personality and character structure underlying individual behavior; identifies clients potentially able to respond to treatment; provides consultation to staff.  |
| 12-840     | Social Service Practitioner II | 12-840.1   | Second professional level worker. Functions as an advanced practitioner in improving and restoring individual or family functioning where intensive diagnosis and treatment, manipulative skills, insight and professional competence are necessary; provides consultation and leadership to staff; develops research or demonstration projects; functions in the area of community organization. |
| 12-850     | Social Service Supervisor I    | 12-850.1   | Supervises Social Service Worker III's and lower classes.   |
| 12-853     | Social Service Supervisor II   | 12-853.1   | Supervises Social Service Practitioner I and II's and lower classes.  |
| 12-855     | Social Service Supervisor III  | 12-855.1   | Second level supervisor exercising supervision through Social Service Supervisors I or II's.  |
| 12-856     | Social Service Supervisor IV   | 12-856.1   | Supervises all aspects of programs carried on in a large and complex social service program.  |

CALIFORNIA-SDSW-MANUAL-WPS

Rev. 95 replaces Issue 46

Effective 12/1/68

CONTINUATION SHEET  
FOR FINING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11360.1)

12-858 - 12-873

WELFARE PERSONNEL STANDARDS  
CLASSIFICATION AND SALARY TABLES

Regulations

TABLE 1-B

DO NOT WRITE IN THIS SPACE

TABLE 1-B

## TITLES AND DEFINITIONS FOR SOCIAL SERVICE CLASSES PRIMARILY USED BY WELFARE DEPARTMENTS

| <u>WPS</u> | <u>TITLE</u>                      | <u>WPS</u> | <u>DEFINITION</u>   |
|------------|-----------------------------------|------------|---|
| 12-858     | Assistant County Welfare Director | 12-858.1   | Coordinates and may supervise both social service and administrative functions in one of the larger county welfare departments; may be assigned specific phases of administration or program responsibility.                        |
| 12-860     | County Welfare Director I         | 12-860.1   | Administers the public social service program of a very small county welfare department; supervises subordinate staff and carries a general caseload.   |
| 12-863     | County Welfare Director II        | 12-863.1   | Administers the public social service program of a small county welfare department; supervises social work, clerical and supervisory staff; does not typically carry a caseload.  |
| 12-866     | County Welfare Director III       | 12-866.1   | Administers the public social service program of a medium-sized county welfare department; directs a diverse staff of social work, supervisory, administrative and clerical staff.  |
| 12-869     | County Welfare Director IV        | 12-869.1   | Administers the public social service program of a large county welfare department; plans, organizes and directs the work of a large staff through supervisory personnel.   |
| 12-873     | County Welfare Director V         | 12-873.1   | Administers the public social service program in one of the largest county welfare departments; plans, organizes and directs the work of large staff through supervisory personnel or through an Assistant County Welfare Director. |

CALIFORNIA-SDSW-MANUAL-WPS

Rev. 96 replaces Issue 47

Effective 12/1/68

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TABLE II-A

Statewide Minimum Education and Experience Standards for Social Service Classes  
 Primarily Used by Welfare Departments

Regulations

WELFARE PERSONNEL STANDARDS  
 CLASSIFICATION AND SALARY TABLES

TABLE II-A

12-815 - 12-820

| WPS                             | CLASS TITLE             | WPS       | EDUCATION AND EXPERIENCE  |
|---------------------------------|-------------------------|-----------|---|
| 12-815<br>(Promotional Pattern) | Eligibility Worker I    | 12-815.31 | One year as a Clerk II* in a California County Welfare Department   |
| (Open Pattern)                  |                         | 12-815.32 | Equivalent to completion of two years of college. (Clerical experience in a social service agency; or, experience involving responsibility for interviewing and/or decision making at the clerical level or higher in personnel offices or employment, unemployment or disability insurance, workmen's compensation, social security or similar agencies; hospitals, physicians' offices or insurance firms; or in similar types of employment may be substituted for the required two years of college on a year-for-year basis.)  |
| 12-816<br>(Promotional Pattern) | Eligibility Worker II   | 12-816.31 | Six months as an Eligibility Worker I* in a California County Welfare Department.   |
| (Open Pattern)                  |                         | 12-816.32 | <p><u>Education:</u> Equivalent to completion of two years of college; <u>and</u></p> <p><u>Experience:</u> 1) Six months of experience in a social service agency performing duties substantially similar to those in the Eligibility Worker I or II class* in that these duties primarily involved interviewing applicants and/or recipients and learning to determine or determining eligibility for one or more aids. (Additional qualifying experience may be substituted for the required two years of college on a year-for-year basis); <u>or</u></p> <p>2) One year of clerical experience in a social service agency; or experience involving responsibility for interviewing and/or decision making at the clerical level or higher in personnel offices or employment, unemployment or disability insurance, workmen's compensation, social security or similar agencies; hospitals, physicians' offices or insurance firms; or in similar types of employment. (Additional qualifying experience may be substituted for the required two years of college on a year-for-year basis.)</p> |
| 12-820                          | Social Service Worker I | 12-820.32 | Graduation from college.  |

\*Or its equivalent

DO NOT WRITE IN THIS SPACE

TABLE II-A (Continued)

 Statewide Minimum Education and Experience Standards for Social Service Classes  
 Primarily Used by Welfare Departments

| WPS  | CLASS TITLE                    | WPS       | EDUCATION AND EXPERIENCE   |
|--|--------------------------------|-----------|--|
| 12-830<br>(Promotional<br>Pattern)             | Social Service Worker II       | 12-830.31 | <u>Education:</u> Graduation from college with a major other than social work; and<br><u>Experience:</u> One year of experience as a Social Service Worker I* in a California County Welfare Department. (The completion of an SDSW approved in-service training course or completion of an undergraduate major in anthropology, economics, political science, psychology or sociology may be substituted for <u>six</u> months of the required experience.) |
| (Open Pattern)                                 |                                | 12-830.32 | Graduation from college with a major in social work;   |
| (Open Pattern)                                 |                                | 12-830.33 | <u>Education:</u> Graduation from college with a major other than social work; and<br><u>Experience:</u> One year of social casework experience in a public or private agency performing duties comparable to a Social Service Worker I. (One year of graduate study which was completed as part of the candidacy for a master's degree in social work may be substituted for the required experience.)  |
| 12-833<br>(Promotional<br>Pattern)             | Social Service Worker III      | 12-833.31 | <u>Education:</u> Graduation from college; and<br><u>Experience:</u> One year as a Social Service Worker II* in a California County Welfare Department.  |
| (Open Pattern)                                 |                                | 12-833.32 | <u>Education:</u> Graduation from college; and<br><u>Experience:</u> Two years of social casework experience in a public welfare agency. (One year of graduate education which was completed as part of the candidacy for a master's degree in social work may be substituted for one year of the required experience.)  |
| 12-836<br>(Open<br>Pattern)                    | Social Service Practitioner I  | 12-836.32 | <u>Education:</u> Master's degree from a graduate school of social work. (Those candidates who completed all academic requirements for the degree except the thesis requirement prior to July 1, 1956, will be considered as possessing the equivalent of a master's degree.)  |
| 12-840<br>(Open and<br>Promotional<br>Pattern) | Social Service Practitioner II | 12-840.35 | <u>Education:</u> Master's degree from a graduate school of social work. (Those candidates who completed all academic requirements for the degree except the thesis requirement prior to July 1, 1956, will be considered as possessing the equivalent of the master's degree); and<br><u>Experience:</u> Two years of social casework experience in a public or private agency performing duties comparable to a Social Service Practitioner I.             |

\* Or its equivalent

12-830 - 12-840

 WELFARE PERSONNEL STANDARDS  
 CLASSIFICATION AND SALARY TABLES

TABLE II-A (Continued)

Regulations



CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11360.1)

Regulations

WELFARE PERSONNEL STANDARDS  
CLASSIFICATION AND SALARY TABLES

TABLE 11-B

| DO NOT WRITE IN THIS SPACE         |                               |           |   |
|------------------------------------|-------------------------------|-----------|---|
| WPS                                | CLASS TITLE                   | WPS       | TABLE 11-B<br>EDUCATION AND EXPERIENCE  |
| 12-850<br>(Promotional<br>Pattern) | Social Service Supervisor I   | 12-850.31 | <u>Education:</u> Graduation from college; and<br><u>Experience:</u> One year as a Social Service Worker III* or two years of experience as a Social Service Worker II* in a California County Welfare Department.  |
| (Open Pattern)                     |                               | 12-850.32 | <u>Education:</u> Graduation from college; and<br><u>Experience:</u> Three years of social casework experience in a public or private agency of which at least one year involved performing duties comparable to a Social Service Worker III. (Graduate education completed as part of the candidacy for a master's degree in social work may be substituted on a year-for-year basis for the required general experience.)   |
| 12-853<br>(Promotional<br>Pattern) | Social Service Supervisor II  | 12-853.31 | One year as a Social Service Practitioner II* or two years as a Social Service Practitioner I* in a California County Welfare Department.   |
| (Open Pattern)                     |                               | 12-853.32 | <u>Education:</u> Master's degree from a graduate school of social work. (Those candidates who completed all academic requirements for the degree except the thesis prior to July 1, 1956, will be considered as possessing the equivalent of the master's degree); and<br><u>Experience:</u> Three years of social casework experience in a public or private agency of which at least one year involved performing duties comparable to a Social Service Practitioner II. |
| 12-855<br>(Promotional<br>Pattern) | Social Service Supervisor III | 12-855.31 | One year as a Social Service Supervisor II* or two years as a Social Service Supervisor I* in a California County Welfare Department.   |
| (Open Pattern)                     |                               | 12-855.32 | <u>Education:</u> Master's degree from a graduate school of social work. (Those candidates who completed all academic requirements except the thesis prior to July 1, 1956, will be considered as possessing the equivalent of the master's degree); and<br><u>Experience:</u> Four years of social work experience in a public or private agency of which at least one year involved performing duties comparable to a Social Service Supervisor II.                       |
| 12-856<br>(Promotional<br>Pattern) | Social Service Supervisor IV  | 12-856.31 | <u>Education:</u> Master's degree from a graduate school of social work. (Those candidates who completed all academic requirements for the degree except the thesis prior to July 1, 1956, will be considered as possessing the equivalent of the master's degree); and<br><u>Experience:</u> One year as a Social Service Supervisor III* or two years as a Social Service Supervisor II* in a California County Welfare Department.                                       |
| (Open Pattern)                     |                               | 12-856.32 | <u>Education:</u> Master's degree from a graduate school of social work. (Those candidates who completed all academic requirements for the degree except the thesis prior to July 1, 1956, will be considered as possessing the equivalent of the master's degree); and<br><u>Experience:</u> Six years of social work experience in a public or private agency of which at least one year involved performing duties comparable to a Social Service Supervisor III.        |

\* Or their equivalent.

DO NOT WRITE IN THIS SPACE

TABLE II-D (Continued)

| WPS  | CLASS TITLE               | WPS       | EDUCATION AND EXPERIENCE   |
|--|---------------------------|-----------|--|
| 12-873<br>(Promotional<br>Pattern)<br>(Open Pattern) | County Welfare Director V | 12-873.31 | One year as a County Welfare Director IV* or two years as an Assistant County Welfare Director* or in <u>comparable level classes</u> in a California County Welfare Department.   |
|  |                           | 12-873.32 | <u>Education:</u> Master's degree from a graduate school of social work; <u>and</u><br><br><u>Experience:</u> <u>Either</u><br><br>1. Four years of experience in public or private agency social service program which was in a supervisory, administrative, executive or consulting capacity. (One year of additional qualifying experience may be substituted for the graduate education requirement.)<br><br><u>Or</u><br><br>2. Four years of successful high level executive or administrative experience in which the person has shown a demonstrated ability to evaluate, administer and control varied types of programs requiring large expenditures of funds. (A master's degree in public administration, political science, economics, sociology, psychology or anthropology may be substituted for the master's degree in social work or an additional year of qualifying experience may be substituted for the graduate education requirement.) |

\* Or its equivalent.

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
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(Pursuant to Government Code Section 11380.1)

13-071-06 MERIT SYSTEM SALARY PLAN STANDARDS - (CONTINUED)

13-071-06

California County Merit System Salary Plan

| ADMINISTRATIVE, FISCAL AND ALLIED |                 |   | CLERICAL AND ALLIED     |  |          |         | SALARY         |       |           |
|-----------------------------------|-----------------|---|-------------------------|--|----------|---------|----------------|-------|-----------|
| Fiscal                            | Admin. Services | Program and Systems                               | Clerk III & Supervisors |  | Clerk II | Clerk I | Allied         | Range | Steps     |
|                                   |                 |   |                         |  |          |         |                | 36.5  | 1351-1642 |
|                                   |                 |   |                         |  |          |         |                | 36    | 1385-1683 |
|                                   |                 |   |                         |  |          |         |                | 35.5  | 1318-1603 |
|                                   |                 |   |                         |  |          |         |                | 35    | 1286-1564 |
|                                   |                 |   |                         |  |          |         |                | 34.5  | 1255-1527 |
|                                   |                 |   |                         |  |          |         |                | 34    | 1225-1490 |
|                                   |                 |   |                         |  |          |         |                | 33.5  | 1196-1454 |
|                                   |                 |   |                         |  |          |         |                | 33    | 1166-1419 |
|                                   |                 |   |                         |  |          |         |                | 32.5  | 1139-1385 |
|                                   |                 |   |                         |  |          |         |                | 32    | 1111-1351 |
|                                   |                 |   |                         |  |          |         |                | 31.5  | 1084-1318 |
|                                   |                 |   |                         |  |          |         |                | 31    | 1058-1286 |
|                                   |                 |   |                         |  |          |         |                | 30.5  | 1033-1255 |
|                                   |                 |   |                         |  |          |         |                | 30    | 1008-1225 |
|                                   |                 |   |                         |  |          |         |                | 29.5  | 983-1196  |
|                                   |                 |   |                         |  |          |         |                | 29    | 960-1166  |
|                                   |                 |   |                         |  |          |         |                | 28.5  | 936-1139  |
|                                   | ASO II          |   |                         |  |          |         |                | 28    | 914-1111  |
|                                   |                 |   |                         |  |          |         |                | 27.5  | 891-1084  |
|                                   |                 |   |                         |  |          |         |                | 27    | 870-1058  |
|                                   |                 | Supv. Prog.                                       |                         |  |          |         |                | 26.5  | 849-1033  |
|                                   |                 |   |                         |  |          |         |                | 26    | 829-1008  |
|                                   |                 |   |                         |  |          |         |                | 25.5  | 810- 983  |
|                                   |                 |   |                         |  |          |         |                | 25    | 790-960   |
|                                   |                 |   |                         |  |          |         |                | 24.5  | 771- 936  |
|                                   |                 |   |                         |  |          |         |                | 24    | 753- 914  |
|                                   |                 |   |                         |  |          |         |                | 23.5  | 735- 891  |
| Ch. Fis. Offcr.                   |                 | Prog. II S&P Analyst<br>Prog. Asst. Welf. Analyst |                         |  |          |         |                | 23    | 717-870   |
|                                   |                 |   |                         |  |          |         |                | 22.5  | 700- 849  |
|                                   | ASO I           |   |                         |  |          |         |                | 22    | 683- 829  |
| Acct. II                          |                 | Prog. I   |                         |  |          |         |                | 21.5  | 666- 810  |
| Ch. Fis. Supv.                    |                 |   |                         |  |          |         |                | 21    | 650- 790  |
|                                   |                 |   |                         |  |          |         |                | 20.5  | 634- 771  |
|                                   |                 |   |                         |  |          |         |                | 20    | 619- 753  |
|                                   |                 |   | SC II-Bud.              |  |          |         |                | 19.5  | 605- 535  |
|                                   |                 |   |                         |  |          |         |                | 19    | 590- 717  |
| Acct. I                           |                 | Prog. Trainee                                     | SC II-Gen.              |  |          |         |                | 18.5  | 576- 700  |
|                                   |                 |   |                         |  |          |         |                | 18    | 562- 683  |
|                                   |                 |   |                         |  |          |         | Ad. Eq. Op. II | 17.5  | 548- 666  |
|                                   |                 |   |                         |  |          |         |                | 17    | 536- 650  |
|                                   |                 |   |                         |  |          |         |                | 16.5  | 523- 634  |
|                                   |                 |   | SC I-B & A              |  |          |         |                | 16    | 510- 619  |
|                                   |                 |   | SC I-Gen.               |  |          |         | Secretary      | 15.5  | 498- 605  |
|                                   |                 |   |                         |  |          |         |                | 15    | 486- 590  |
|                                   |                 |   |                         |  |          |         |                | 14.5  | 474- 576  |
|                                   |                 |   |                         |  |          |         |                | 14    | 463- 562  |
|                                   |                 |   |                         |  |          |         | Storekeeper    | 13.5  | 450- 548  |
|                                   |                 |   |                         |  |          |         |                | 13    | 440- 536  |
|                                   |                 |   | CL III-B&A              |  |          |         |                | 12.5  | 429- 523  |
|                                   |                 |   | CL III-Typ.             |  |          |         |                | 12    | 419- 510  |
|                                   |                 |   |                         |  |          |         |                | 11.5  | 408- 498  |
|                                   |                 |   |                         |  |          |         | Ad. Eq. Op. I  | 11    | 399- 486  |
|                                   | Student         |   |                         |  |          |         |                | 10.5  | 389- 474  |
| Adm. Asst                         |                 |   |                         |  |          |         | CL II-Steno    | 10    | 380- 463  |
|                                   |                 |   |                         |  |          |         |                | 9.5   | 371- 450  |
|                                   |                 |   |                         |  |          |         | CL II-B&A      | 9     | 362- 440  |
|                                   |                 |   |                         |  |          |         | CL II-Typ.     | 8.5   | 353- 429  |
|                                   |                 |   |                         |  |          |         | CL II-Gen.     | 8     | 345- 419  |
|                                   |                 |   |                         |  |          |         |                | 7.5   | 337- 408  |
|                                   |                 |   |                         |  |          |         | CL I-Steno     | 7     | 329- 399  |
|                                   |                 |   |                         |  |          |         |                | 6.5   | 321- 389  |
|                                   |                 |   |                         |  |          |         | CL I-Typ.      | 6     | 313- 380  |
|                                   |                 |   |                         |  |          |         | CL I-Gen.      | 5.5   | 306- 371  |
|                                   |                 |   |                         |  |          |         |                | 5     | 298- 362  |
|                                   |                 |   |                         |  |          |         |                | 4.5   | 291- 353  |
|                                   |                 |   |                         |  |          |         |                | 4     | 284- 345  |
|                                   |                 |   |                         |  |          |         |                | 3.5   | 278- 337  |
|                                   |                 |   |                         |  |          |         |                | 3     | 271- 329  |
|                                   |                 |   |                         |  |          |         |                | 2.5   | 260- 321  |
|                                   |                 |   |                         |  |          |         |                | 2     | 248- 313  |
|                                   |                 |   |                         |  |          |         |                | 1.5   | 242- 306  |
|                                   |                 |   |                         |  |          |         |                | 1     | 236- 298  |

Effective 12/1/68

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(Pursuant to Government Code Section 11380.1)

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Office of Administrative Procedure

ENDORSED

APPROVED FOR FILING  
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NOV 1 - 1968

Office of Administrative Procedure

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Copy below is hereby certified to be a true  
and correct copy of regulations adopted, or  
amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE

Dated: October 30, 1968  
(Agency)By: John E. Montgomerie

Director

(Title)

FILED

In the office of the Secretary of State  
of the State of California

NOV - 1 1968

At 4:15 o'clock P.M.

FRANK M. JORDAN, Secretary of State

By: W. H. Sullivan  
Assistant Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

40-163 PUBLIC ASSISTANCE PAYMENTS TO PATIENTS IN STATE HOSPITALS  
(Continued)

40-163

.333 Payment Authorized to a Substitute Payee

When there is no guardian or conservator and the patient is unable to endorse his warrant and/or manage the personal and incidental allowance in his own best interests. (See Regulation 44-307.7 regarding Protective Payments to Substitute Payees.)

.334 Notification of Aid Status of Patients in State Hospitals

Any change in status requiring notification to the applicant or recipient will be executed in triplicate so that all interested parties will be kept informed of the aid status of the recipient.

Distribution of this information will be as follows:

(a) Original - To the applicant or recipient (or the person acting for him).

(b) Two copies-To the SDSW liaison staff responsible for working with that hospital.

If OAS is authorized, the applicant is also certified for Medical Assistance.

If it is determined the applicant is eligible for certification as a Medically Needy person (see .211, (b), above) he is certified accordingly.

If it is determined the applicant is ineligible to assistance, the application shall be denied.

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CONTINUATION SHEET  
**FOR FILING ADMINISTRATIVE REGULATIONS  
 WITH THE SECRETARY OF STATE**  
 (Pursuant to Government Code Section 11380.1)

44-307 MONEY MANAGEMENT (Continued)

44-307

**.711 Exclusions and Exceptions**

Excluded from those who may serve as substitute payee are the landlord, grocer, and other vendors of goods or services dealing directly with the recipient. In AFDC the spouse and adult child living at home are also excluded.

Also excluded from those who may serve as substitute payee is any operator, fiscal agent or other person acting in behalf of any public or private facility responsible for the care of the recipient. However, exception to this exclusion may be made for the recipient who remains eligible while he is in a public institution for the mentally ill or mentally retarded. The director of such institution or his designated representative, e. g., chief social worker in the institution, trust officer, etc., may serve as a substitute payee when no other appropriate person is available.

40-167 APPLICATION AND INVESTIGATION PROCEDURE FOR APPLICANTS  
IN STATE HOSPITALS (Continued)

40-167

**.6 Eligibility and Participation Status for Patient on Leave of Absence or Discharged from State Hospital - Chart**

Any patient on leave of absence from a state hospital or discharged from a state hospital may be granted Aid if he is otherwise eligible. However, patients in institutions licensed by the State Department of Mental Hygiene for care of the mentally ill are not eligible to receive ATD. Federal participation is not available in AB payments made to a person in an institution for the mentally ill. (See interpretation following Section 42-611.2.)

Any patient on leave of absence from a state hospital or discharged from a state hospital may be granted Aid if he is otherwise eligible. However, patients in institutions licensed by the State Department of Mental Hygiene for care of the mentally ill or the mentally retarded are not eligible to receive ATD. Federal participation is not available in AB payments made to a person in an institution for the mentally ill.

A facility which provides care for seven or more persons is considered to be an institution within the meaning of this section.

Effective 12/1/68

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CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATION  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

40-167 APPLICATION AND INVESTIGATION PROCEDURE FOR APPLICANTS  
IN STATE HOSPITALS (Continued)

40-167

A facility providing care for six or less persons is not considered to be an institution and federal participation is available in payments made to persons in such facilities even though licensed by the State Department of Mental Hygiene. Family Care Homes are always certified for six or less persons and therefore are not considered to be institutions.

Following is a chart showing aid eligibility and federal participation status as determined by the individual's living arrangements:

| <u>AB</u><br><u>ATD</u> | Living Arrangements   | Eligible<br>for Aid            | Federal<br>Participation |
|-------------------------|---|--------------------------------|--------------------------|
|                         | .61 In own home including home with relatives or friends, board and room arrangements, hotel, etc.  | Yes                            | Yes                      |
|                         | .62 In board and personal care home, in institution licensed by SDSW for well aged, or in institution licensed by SDMH for care of the mentally retarded. | Yes                            | Yes                      |
|                         | .63 In any Family Care Home certified by SDSW or in an institution licensed by the SDMH for the care of six or less persons                               | Yes                            | Yes                      |
|                         | .64 In institutions for seven or more persons licensed by the SDMH for care of the Mentally ill.  | <u>AB</u> Yes<br><u>ATD</u> No | No                       |

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME  
(Continued)

44-111

AB  
ATD  
OAS

.33 Manpower Development and Training

Payments not to exceed \$20 per week under the Manpower Development and Training Act to a recipient of aid as training incentive payments, and additional expense allowance payable under the Manpower Development and Training Act to defray expenses attributable to training, are exempt.

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

DEPARTMENT BULLETIN NO. 652<sup>Revised</sup> (All Aids)

TO: COUNTY WELFARE DEPARTMENTS

OVERPAYMENT ADJUSTMENT POLICIES - PSS  
REGULATIONS 44-333 THROUGH 44-335

Effective September 1, 1968  
Revised 12/1/68 \*

This bulletin has been adopted with a Finding of Emergency to be effective September 1, 1968. It modifies regulations governing grant reductions and current cash adjustments for overpayments. Insofar as Public Social Services Regulations 44-333 through 44-335 are in conflict with the provisions of this bulletin, the manual regulations are superseded by this bulletin.

I. BASIS FOR MODIFICATION IN STATE REGULATIONS

Federal policy, recently released, includes the following mandatory provision:

"Current payments of assistance will not be reduced because of prior overpayments unless the recipient has income or resources currently available in the amount by which the agency proposes to reduce payment; except that where there is evidence which clearly establishes that a recipient wilfully withheld information about his income or resources, such income or resources may be considered in the determination of need to reduce the amount of the assistance payment in current or future periods; ..."

II. DEFINITIONS

1. Income or Resources Currently Available

"Income or resources currently available" as used herein are limited to "liquid assets" as defined in Regulation 44-333.15.

2. Wilfully Withheld Information

"Wilfully withheld information" as used herein means the recipient, knowing the facts and his reporting responsibility, consciously decided not to report, to delay reporting or to misrepresent information material to a determination of eligibility or grant and all of the following conditions were present:

- a. The recipient had been informed of his responsibility to report immediately any and all changes in his income, need, resources or other circumstances which might affect his eligibility or the amount of his grant.
- b. The recipient had been informed of the significance of such changes and the possible effect on his eligibility or on the amount of grant to which he was eligible.
- c. The recipient was capable of understanding the information given him and of reporting promptly.

\* Department Bulletin 652 is readopted and revised, the revisions effective 12/1/68. The revisions are not substantive in nature and are primarily a rearrangement of the material in the original bulletin, for purposes of clarification, and the definition of "income or resources currently available" is clarified. We have also added to the bulletin the Spanish translation of the notification to recipients which was released by circular letter after the bulletin was issued.

CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATION  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

Department Bulletin 652, Revised (Continued)

III. SPECIFIC MODIFICATIONS

The revised federal policy (see I above) means that effective September 1, 1968 overpayment is subject to adjustment in the "adjustment period" by either grant reduction or by current cash adjustment only if:

1. The recipient has income or resources (liquid assets) available at the time he is informed of the proposed adjustment which are equal to the proposed adjustment. In evaluating income or resources currently available for a current cash adjustment or for support during a future period of grant reduction to adjust an overpayment, that portion of the cash grant received by the recipient in the month(s) of overpayment to which he was eligible shall be excluded. (If available income or resources are less than the overpayment otherwise subject to adjustment, the adjustment may not exceed the amount of income or resources currently available.)

or

2. The recipient wilfully withheld information concerning his income or resources. (See definition II, 2, above.)

Situations involving a willful withholding of information include but are not limited to those where the recipient wilfully delayed reporting material information until after he had utilized his income or resources for other purposes, his intent being to avoid a grant discontinuance or grant reduction for overpayment.

IV. EXPLANATION AND NOTIFICATION TO RECIPIENTS

The modification in policies as set forth above makes it essential that recipients receive frequent and complete explanations regarding methods of grant computation, factors which may cause ineligibility or overpayment such as increases in income or resources, decreases in need, etc., and their responsibility to report such changes immediately. Explanations to recipients may be verbal, written or by both methods when necessary to help assure understanding.

It is recommended that the attached notice,\* or one similar thereto developed by counties, be included each month with the public assistance warrant. This or a comparable notice would serve as a frequent reminder to recipients of their responsibility to report changes in need, income or resources, promptly, and before such income or resources are utilized for other purposes.

Effective September 1, 1968  
Revised 12/1/68

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CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

Department Bulletin 652, Revised (Continued)

V. COUNTY ACTION

Prompt action by counties following any reported change is also essential to determine if there has been overpayment and, if so, the factors which caused the overpayment, what portion, if any, is subject to adjustment by grant reduction or current cash adjustment, and the amount, if any, for which there is a right to demand repayment. Except where the recipient has wilfully withheld information, there must be a careful determination with him of any income or resources currently available for a current cash adjustment or for his support during a period of grant reduction. If the recipient has income or resources in the form of cash, a "current cash adjustment," in lieu of a grant reduction to adjust for the overpayment, will frequently be more convenient for the recipient than a grant reduction, will be simpler administratively for the county, and will help to assure the maximum adjustment of the overpayment.

VI. RELATED REGULATIONS WHICH REMAIN UNCHANGED

Existing regulations governing determination of the amount of overpayment, time limitations for adjusting overpayment and right to demand repayment of any unadjusted overpayment remain unchanged.

This bulletin expires February 28, 1969, unless extended or incorporated into the PSS regulations.

\*The suggested notice is printed in English and Spanish.

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Effective September 1, 1968  
Revised 12/1/68

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

## 42-301 BASIS OF DEPRIVATION

42-301

- .1 A child is considered deprived of parental support or care if:
- a. The child has been relinquished for adoption (see Section 42-310);
  - b. Either parent is deceased (see Section 42-320);
  - c. Either parent is physically or mentally incapacitated (see Section 42-330);
  - d. Either parent is unemployed (see Section 42-340);
  - e. Either parent is continually absent from the home in which the child is living (see Section 42-350).
- .2 All bases for deprivation shall be considered at time of application and at time of redetermination of eligibility.
- .3 When the child is deprived of parental support or care for more than one reason, eligibility is established on the basis of deprivation that appears first in Section 42-301.1 above except that if federal participation is precluded under the first basis, the basis which permits federal participation shall be used.

## 42-340 UNEMPLOYMENT OF A PARENT

42-340

.2 Federal Participation in Unemployed Parent Cases

Federal participation in aid payments made to unemployed parent cases is limited to cases in which all of the following conditions are met:

- .21 The father is unemployed as specified in .11 and .12 above
- .22 The father was not receiving Unemployment Insurance Benefits during a week for which AFDC was paid.

Effective 7/1/68

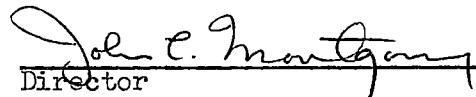
CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATION  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

CERTIFICATE OF COMPLIANCE  
Under Sec. 111422.1 Government Code

I hereby certify that prior to the adoption of the emergency regulations set forth below Sections 111423, 111424 and 111425 of the Government Code were complied with:

111-261 filed with Secretary of State 6-28-68  
111-301 " " " " 6-28-68  
111-303 " " " " 6-28-68  
111-307.52 through 111-307.9 filed with Secretary of State 6-28-68  
Chapter 30-350 filed with Secretary of State 6-28-68  
Repeal of Chapter 56-600 filed with Secretary of State 6-28-68

STATE DEPARTMENT OF SOCIAL WELFARE

  
Director

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FILED ADMINISTRATIVE REGULATIONS WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

OCT 31 1968

Office of Administrative Procedure

ENDORSED

APPROVED FOR FILING  
(GOV. CODE (11380.1))

NOV 1 - 1968

Office of Administrative Procedure

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE

(Agency)

Dated: October 31, 1968

By:

Director

(Title)

FILED

In the office of the Secretary of State  
of the State of California

NOV - 1 1968

At 4:15 o'clock P.M.

FRANK W. JORDAN, Secretary of State

By: Assistant Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

23-253 AID CATEGORY CODES

23-253

.1 Case Number Format

The case number format shall be as follows:

Co - Aid - Ser - FBU - Per  
00 00 0000000 0 00

- .11 County identification; two digits
- .12 Aid category; two digits
- .13 Serial; a sequential numeric series or independent series

Under AFDC, add the following

- .14 Family Budget Unit to identify the separate living arrangements for individuals within the AFDC case who are living in different households; one digit.
- .15 Persons number is the number assigned to the individual within the AFDC case; two digits.

.2 Basic System

The aid identification system provides for a two-digit identification of the public assistance programs now in operation and offers the opportunity for further expansion as new programs are created, and as combination of programs occur.

Counties shall use two-digit numeric Public Assistance Program and sub-program codes as specified in Handbook Section 23-275.

Effective 12/1/68

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CONTINUATION SHEET  
 FOR FILING ADMINISTRATIVE REGULATIONS  
 WITH THE SECRETARY OF STATE  
 (Pursuant to Government Code Section 11380.1)

41-311 PROPERTY ITEMS TO BE INCLUDED IN EVALUATING PROPERTY WHICH MAY BE RETAINED (Continued)

41-311

AB  
 APSB  
 ATD  
 OAS  
 AFDC

- .23 Burial reserves of any type which have a cash value available to the recipient during his lifetime. (See Section 41-313.219 for burial reserves which are excluded from consideration as personal property.)
- .24 The total amount of funds on deposit in a revocable trust or similar fund.

41-313 PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY WHICH MAY BE RETAINED (Continued)

41-313

AB  
 APSB  
 ATD  
 OAS  
 AFDC

- .219 The following burial reserves when the total amount paid for all such items does not exceed \$1,000:

- a. Money or securities placed in an irrevocable trust for funeral, cremation or interment expenses with any of the trustees mentioned in Sec. 7736 of the Business and Professions Code.

An irrevocable trust, within the meaning of this section is a written agreement between the applicant or recipient and the trustee(s) which expressly provides that the trust agreement is irrevocable, and that the trustee obligates himself to apply the money held in trust for the funeral, cremation or interment of the applicant or recipient.

Trustees mentioned in Section 7736 of the Business and Professions Code are limited to:

- (1) A banking institution or trust company legally authorized and empowered by the State of California to act as trustee in the handling of trust funds

or

- (2) Not less than three persons, one of whom may be an employee of the funeral director who is entering into a Preneed Funeral Arrangement as provided in Business and Professions Code Sections 7735 through 7742.

Effective 12/1/68

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

41-313 PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY WHICH MAY 41-313  
BE RETAINED (Continued)  
.219 (Continued)

b. Life or burial insurance purchased specifically for funeral, cremation or interment expenses which is placed in an irrevocable trust or which has no loan or cash value available to the insured during his lifetime. Included are:

- (1) An insurance policy on the life of the applicant payable to a beneficiary who has irrevocably agreed to apply the proceeds from the insurance for funeral, cremation or interment of the insured.
- (2) An insurance policy which is payable on death to the estate of the insured and thus, in effect, becomes a resource earmarked for burial.

c. Securities issued by a licensed cemetery authority which by their terms are convertible only into payment for funeral, cremation or interment expenses.

In addition to the foregoing, the value of an interment plot, vault or crypt, retained for use of the owner, is also excluded from consideration as personal property and is not subject to the \$1,000 total payment limitation specified above.

Burial reserves excluded from consideration as personal property under this section are considered to be the separate property of the person for whose use they are intended.

Effective 12/1/68

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

40-127 POLICY IN REGARD TO PROMPTNESS AND IMMEDIATE NEED

40-127

AB  
ATD  
OAS  
AFDC

.1 Promptness Requirement

The investigation and determination of eligibility shall be completed and appropriate action on the application taken as rapidly as possible and within not more than 30 calendar days (60 days in ATD) starting with the first day after the filing of the application.

Inability to complete the determination of eligibility within the 30-day period (60 days in ATD) shall not be a basis for denying the application. (See Section 40-171.4) The specified time limit may be exceeded in situations where completion of the determination of eligibility is delayed because of circumstances beyond the reasonable control of the agency, e.g.,

- .14 Application is made prior to the date on which the applicant meets the eligibility requirements and the 30-day period (60 days in ATD) terminates before the applicant meets such requirements. (See Section 40-171 regarding application held pending eligibility.)

.27 In ATD, apparent eligibility may be found only if one or a combination of the following conditions exist:

- a. Permanent bed-fast or chair-bound state as established by medical diagnosis.
- b. Physical absence or permanent paralysis of two or more limbs (paraplegia or quadriplegia).
- c. Cerebral palsy with marked speech impairment and inability to control extraneous movements of two or more limbs.
- d. Demonstrated need for care and supervision by reason of very advanced age or placement in a board and care home for a condition which is not remediable in nature.

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CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

40-127 POLICY IN REGARD TO PROMPTNESS AND IMMEDIATE NEED (Continued)  
.27 (Continued)

40-127

- e. Severe mental retardation with documented evidence of IQ under 50.
- f. Verified advanced bone diseases which produce obvious deformity and permanent inability to function regularly without such aids as canes, crutches, or permanent braces.
- g. Markedly restricted activities of daily living by reason of documented chronic severe heart disease (AHA Class IV D) which is unlikely to improve through any generally accepted medical or surgical treatment.
- h. Documented severe pulmonary insufficiency, in spite of adequate medication, caused by chronic advanced emphysema, extensive lung fibrosis, surgical removal of one lung (pneumonectomy) or other verified physical diagnoses. (It may be noted that client becomes short of breath on slight exertion or even at rest.)
- i. Advanced paralysis agitans (Parkinson's disease), with marked tremor, rigidity and impaired walking (festination).
- j. Documented advanced neurological or muscular diseases identified as advanced dystrophies or atrophies. There should be one or more obvious signs of difficulty in walking (ataxia), wasting (atrophy), severe contractures, or marked weakness. Among the diseases considered here are multiple sclerosis, amyotrophic lateral sclerosis, myasthenia gravis, muscular dystrophy, Huntington's chorea, and Friederich's ataxia.
- k. Terminal or inoperable cancer (neoplastic malignancy) when clearly verified by hospital or physician's records. This includes uncontrollable Hodgkin's disease, lymphosarcoma and acute leukemia.

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CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

40-127 POLICY IN REGARD TO PROMPTNESS AND IMMEDIATE NEED (Continued)  
.27 (Continued)

40-127

1. Total or severe bilateral deafness existing from childhood without the ability to speak or communicate.
- m. Severe mental illness (psychosis) documented by a psychiatrist, which developed before age 18 and required multiple hospitalizations, one of which has been within the past year. (Not included are neuroses and personality disorders.)
- n. Any individual who has been in a state hospital for three or more years and who is being placed on leave in a facility licensed by DMH or a supervised placement such as a family care home.
- o. Documented far advanced diabetes which, in spite of treatment, has produced severe secondary damage to vision, internal organs or has required the surgical amputation of a leg.
- p. Absence of one kidney with chronic impaired functioning of the remaining kidney.
- q. Central visual acuity less than 20/70 in the better eye when an ophthalmologist states that the condition is not correctable through surgery or other treatment.
- r. Hemophilia which has produced "fixed" or "frozen" joints.
- s. When an applicant does not have one or more of the above conditions but appears so obviously disabled that in the judgment of the county medical consultant he is likely to be found eligible.

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FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

CHAPTER 31-350      STATE PRESCHOOL SERVICES

31-351 - OBJECTIVES

31-351

To provide for children between the ages of three and five years of age from economically and culturally deprived homes the experiences and motivation to prepare them to enter public school on an equal basis with children from more advantaged homes. (See Sec. 10-053.5)

31-353 - GENERAL

31-353

Preschool Educational Services authorized by W&IC 16150 through 16158 are available to all counties on behalf of eligible children, within the terms of an Interagency Agreement between the State Department of Social Welfare and the State Department of Education, subject to the amount of funds appropriated each year by the Legislature and to priorities established jointly by the Department of Social Welfare and the Department of Education. These are provided through preschool classes supervised by the State Department of Education, social services through the county welfare department and parent participation in the preschool program.

31-355 - ADMINISTRATION OF STATE PRESCHOOL PROGRAM

31-355

The responsibilities of the county welfare department are:

- .1 To determine at intervals of not more than 12 months the extent to which preschool educational services are needed but are otherwise unavailable to children in AFDC and other low-income or disadvantaged families;
- .2 To seek development of arrangements with providers of preschool services to meet this need;
- .3 To submit annually to the State Department of Social Welfare as part

Effective 12/1/68

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

31-355 ADMINISTRATION OF STATE PRESCHOOL PROGRAM (Continued) 31-355

of county plan for services and in accordance with procedures promulgated by the department a proposed plan of participation in the program for the next year, including an evaluation of the prior year's program if one existed. All counties, whether or not participating in the program, shall include in their plan for services annual statistics on estimated numbers of children eligible, and information regarding other preschool programs operating in the county (Head Start, ESEA, Children's Centers);

.4 To provide for adequate staffing, and the training of staff, according to the need of the program and within the Standards for Social Services;

.5 To assure that appropriate intake services are made available to all families with preschool age children, and to assure certification to approved preschool facilities of children, without regard to their aid status, who are determined by the county welfare department to be eligible for and in need of the preschool education service;

.6 To provide appropriate continued social services to the families of children certified for preschool education;

.7 To coordinate the objectives and operations of this program with those of the Employment and Social Rehabilitation Services, with respect to the selection, training and employment of recipients of public assistance as teachers, teacher's aides, social service aides, and other personnel essential to the delivery of preschool educational services;

.8 To submit monthly statistical reports to the State Department of Social Welfare regarding children certified and enrolled in the program.

Effective 12/1/68

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FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

31-357 - ELIGIBILITY

31-357

.1 A child to be eligible must be:

.11 between his third birthday and his fifth birthday at time of enrollment in a preschool facility and not enrolled in kindergarten or first grade and

.12 from a family currently receiving Aid to Families with Dependent Children, or

.13 from a family classified as a former or potential recipient of public assistance (Operations Manual 10-072).

.2 Priority shall be given to certification of children from homes where English is not the first language.

.3 A child from a nonassistance family shall have equal opportunity with AFDC children to enter the program.

31-359 - CERTIFICATION

31-359

.1 Certification is the process on the part of the county welfare department of determining a child's eligibility and need for the program and notifying in writing the preschool facility of the child's eligibility and need.

.2 Nonassistance children shall be certified prior to enrollment in the preschool facility.

.3 A child shall be certified and enrolled annually. Once participation begins, the child may continue until the end of the school year (including a subsequent summer session) even though his fifth birthday occurs during this school year. Once a child has enrolled in kindergarten or first grade, he is ineligible for preschool education.

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CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

31-361 - SOCIAL SERVICES

31-361

.1 Social services shall be provided to the families of all children certified by the welfare department and enrolled in the preschool program.

Special emphasis shall be given to assuring the child's continued attendance and ability to benefit from the program and the parent's active and continuous participation in the program.

.2 A medical examination and appropriate follow-up shall be provided for each child enrolled. Eligibility or ineligibility for Medi-Cal shall be determined for each nonassistance former recipient or potential recipient family.

31-363 - SDSW REIMBURSEMENT

31-363

County Welfare departments may claim reimbursement for all costs of administering the program on behalf of nonassistance families in accordance with Fiscal Manual Sections 25-805.10, 25-805.20, 25-810.30 and 25-860.70.

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CONTINUATION SHEET  
**FOR FILING ADMINISTRATIVE REGULATIONS  
 WITH THE SECRETARY OF STATE**  
 (Pursuant to Government Code Section 11380.1)

23-401 REQUIRED FORMS - NO SUBSTITUTES PERMITTED

23-401

AB  
ATD  
OAS  
AFDC

A required form is a state form not subject to change except by SDSW. Forms may be purchased directly from SDSW or may be reproduced by the county without change at its own expense.

.1 Standardization of Forms

Reasons for requiring a standardized form, with no variation, include:

- .11 The law requires a standardized form.
- .12 More than one county or agency is involved.
- .13 There has been serious legislative concern about the form.
- .14 Uniformity is necessary in gathering and reporting statistical data.
- .15 The Federal Government requires a standard form.

.2 The following forms, completed in accord with instructions for their use are required and no substitutions are permitted except as provided in 23-401.3 (see Appendix 2, PSS Manual).

|                                 |  |
|---------------------------------|--|
| ABCDM 200                       | Application for Public Social Service  |
| ABCD 215                        | Notification of Transfer   |
| SSA 1610                        | Request for Information by State Public Agency   |
| DPA 6                           | State Department of Social Welfare Appeal as to Responsibility for Support                       |
| 10-611                          | Application for Search of Federal Census Records   |
| <u>AB</u><br><u>ATD</u> ABD 235 | Certification from State Department of Mental Hygiene of Applicant's Release from State Hospital |
| <u>AB</u> BL 201                | Applicant's Affirmation of Eligibility for Aid to the Blind                                      |
| BL 227                          | Physician's Report of Eye Examination  |
| BL 227A                         | Optometrist's Report of Eye Examination  |

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Effective 12/1/68

CONTINUATION SHEET  
**FOR FILING ADMINISTRATIVE REGULATIONS  
 WITH THE SECRETARY OF STATE**  
 (Pursuant to Government Code Section 11380.1)

23-401 REQUIRED FORMS - NO SUBSTITUTES PERMITTED (Continued)

23-401

|             |                      |  |
|-------------|----------------------|--|
| <u>ATD</u>  | DA 201               | Applicant's Affirmation of Eligibility for ATD               |
|             | DA 1                 | Medical Report   |
|             | DA 1A                | Psychiatric Report   |
|             | DA 1B                | Determination of Onset of Disability - Medical Report        |
|             | DA 2                 | Social Information Report                                    |
|             | DA 2B                | Determination of Onset of Disability Report                  |
|             | DA 3                 | Certificate of Disability                                    |
| <u>OAS</u>  | AG 201               | Declaration of Eligibility for OAS                           |
|             | AG 201A              | Instruction Sheet for OAS Applicants                         |
|             | AG 201B              | Instruction Sheet for OAS Recipients                         |
|             | AG 224               | Preliminary Statement of Responsible Relative Under OAS Law  |
|             | AG 225               | Statement of Responsible Relative Under Old Age Security Law |
| <u>AFDC</u> | CA 200(BHI)*         | Application for AFDC - Boarding Homes or Institution         |
|             | CA 201               | Affirmation of Eligibility for AFDC                          |
|             | CA 290               | Financial Statement of Absent Parent                         |
|             | CA 330               | Referral to Department of Employment                         |
|             | CA 331               | Notice of County Welfare Actions                             |
|             | CA-333               | Report to County Welfare Department                          |
|             | CA-341               | Medical Report and Work Capacities Evaluation                |
|             | CA-256<br>(SSA-1472) | Request from Public Assistance Agency                        |

In addition to the above required forms relating primarily to social services operations, there are required forms contained in other SDSW manuals and regulations.

*\*Interpretation - Form CA 200 (BHI) provides space for listing the names of children in foster care and may be used in lieu of ABCDM 200.*

3. Use of Experimental Required Forms

When the department determines that a substantive change in a required form is needed, it may prescribe use by one or more selected counties of an experimental form in lieu of the required state form.

Effective 12/1/68

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
**FOR FILING ADMINISTRATIVE REGULATIONS  
 WITH THE SECRETARY OF STATE**  
 (Pursuant to Government Code Section 11380.1)

23-403 REQUIRED FORMS FOR WHICH SUBSTITUTE MAY BE USED

23-403

AB  
ATD  
OAS  
AFDC

The following forms are required to be completed for the purposes indicated in the instructions for their use except that the county may use a substitute form which provides substantially the same information. State approval of substitute forms is necessary only when designated by asterisk (see Appendix, PSS Manual).

ABCDM 228 Applicant's Authorization for Release of Information

ABCDM 272 Referral to District Attorney for Action on Suspected Fraud

ABCDM 273 Veteran's Administration Request for Information

ABCD 239 Notice of Action

ABCD 278L\* List of Authorizations to Start, Change, Stop, or Deny Aid Payments

ABCD 278M\* Authorization to Start, Change or Stop Aid Payments

DPA 5 Summary of Letters of Guardianship or Conservatorship

DPA 8 Notice to Applicant Who Withdraws Application

AB  
ATD  
OAS

ABD 231 Certificate of Delivery of Payment of Aid

ABD 236 Certification of Patient Status in a Public Medical Institution

AB

BL 158 Budget Work Sheet - Aid to the Blind

BL 206 Recipient's Reaffirmation of Eligibility for Aid to the Blind

BL 239 Notice of Action - Aid to the Blind Recipient Living in Own Home or Board and Room Arrangement

BL 239A Notice of Action - Aid to the Blind - Recipient in Out-of-Home Care Facility

BL 239C Important Notice to all Recipients of Aid to the Blind

BL 281 Work Capacity and Employment Opportunities

ATD

DA 4 Transmittal of ATD Reports

DA 158 Aid to the Needy Disabled - Budget Work Sheet

DA 206 Recipient's Reaffirmation of Eligibility for Aid to the Needy Disabled

DA 239 Notice of Action - Aid to the Needy Disabled

DA 239C Important Notice to all Recipients of Aid to the Needy Disabled

OAS

AG 158 Budget Worksheet - OAS

AG 239 Notice of Action - Old Age Security

AG 239A Notice of Action - Old Age Security

AG 239C Important Notice to all OAS Recipients

AG 246 Notification of County Finding of Liability of Responsible Relative

AG 261 Service Referral/Completion Report

\*Use of substitute requires prior SDSW approval.

Effective 12/1/68

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CONTINUATION SHEET  
 FOR FILING ADMINISTRATIVE REGULATIONS  
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 (Pursuant to Government Code Section 11380.1)

## 23-403 REQUIRED FORMS FOR WHICH SUBSTITUTE MAY BE USED (Continued)

23-403

AFDC

- CA 239 Notice of Action - Aid to Families with Dependent Children  
 CA 239C Important Notice to all AFDC Recipients  
 CA 241\* Budget Work Sheet - Aid to Families with Dependent Children

- CA 281\* Family Composition Record  
 CA 282\* Employment Counseling Information  
 CA 283\* Real Property  
 CA 284\* Personal Property  
 CA 321 Notification of AFDC Assistance, Divorce or Separate Maintenance Action, W&IC 11485  
 CA 322 Notification of Divorce or Separate Maintenance Action, W&IC 11485  
 CA 323 Notification of District Attorney on Desertion or Abandonment, W&IC 11476  
 CA 324 Referral to District Attorney for Action on Desertion or Abandonment, W&IC 11476

## 42-330 PHYSICAL OR MENTAL INCAPACITY OF A PARENT (Continued)

42-330

AFDC

- 34 Medical data which includes a current complete medical examination. The record should include a complete statement from the recipient or applicant concerning his view of his health situation. Medical information shall be obtained on Form CA-341, "Medical Examination and Work Capacities Evaluation" or on Form DA-1 or DA-3.

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Effective 12/1/68

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

The following regulations are repealed effective 12/1/68:

Chapter 56-700 Preschool Educational Services

- 56-701 Preschool Educational Services -- General
- 56-703 County Welfare Department Responsibilities
- 56-705 SDSW Reimbursement
- 23-253.3 Title V Work Experience Program
- 23-253.4 Food Stamp Program
- 23-253.5 Assignment of Numbers in the Aid Category
- 23-253.6 Aid Category Master Chart

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FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

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OCT 31 1968

Office of Administrative Procedure

ENDORSED

APPROVED FOR FILING  
(GOV. CODE 11380.1)

NOV 1 - 1968

Office of Administrative Procedure

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE

(Agency)

Dated: October 31, 1968

By: *J. E. G. [Signature]*

Director

(Title)

FILED

In the office of the Secretary of State  
of the State of California

NOV - 1 1968

At 4:15 o'clock P.M.

FRANK M. JORDAN, Secretary of State

By *[Signature]*  
Assistant Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

**14-300 ORIENTATION TRAINING**

14-300

Each new person employed by the county welfare department shall be provided an initial period of orientation training to familiarize him with the agency organization and operations and provide him with an understanding of the background, basic philosophy and purpose of the social welfare programs administered by the agency. (See Handbook 14-300.20, 14-300.40.)

**14-310 INDUCTION TRAINING**

14-310

Each new employee employed by a county welfare department and each employee at the time of a significant change in job responsibility or when reinstated to a former position shall be provided with a period of training designed to induct him to the specific functions, duties, and responsibilities of the job. The content, length, and method of training shall be suitably related to the nature of the job responsibility, background of previous experience and education, and to the further training and educational opportunities to be provided the employee through the agency staff development program. (See Handbook 14-300.20, 14-300.40.)

**14-320 PUBLIC ASSISTANCE SOCIAL WORKERS INDUCTION TRAINING**

14-320

Each public assistance social worker Grades I, II, III, or equivalent Civil Service level, assigned to public assistance programs, (OAS, AB, ATD, AFDC) shall receive a minimum of 160 hours, or four full weeks of induction training, if he is no longer entitled to reinstatement privileges to his former position or has not previously had four weeks of induction training in a California public welfare department. This training shall be provided and completed during the first four months of the worker's employment. The training provided shall be in accordance with standards and guides developed by the State Department of Social Welfare. (See Handbook Section 14-350 through 14-399.)

**14-325 ELIGIBILITY WORKERS INDUCTION TRAINING**

14-325

Each new employee in the Merit System Eligibility Worker Grades I or II or equivalent Civil Service level, assigned to the public assistance programs, shall receive a minimum of 80 hours, or two weeks, of induction training during the first six weeks of his employment if he is no longer entitled to reinstatement privileges to his former position or has not previously had two weeks of induction training in a California public welfare department. Forty hours of the required 80 hours training shall be provided on a full-time continuing basis. The balance of the 40 hours of training may be spread over the next consecutive five-week period. The training provided shall be in accordance with standards and guides developed by the State Department of Social Welfare.

Effective 12/1/68

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 (Pursuant to Government Code Section 11300.1)

14-330

APPROVAL OF COUNTY WELFARE DEPARTMENT ORIENTATION-INDUCTION TRAINING PROGRAMS

14-330

Each county welfare department shall submit to the State Department of Social Welfare the county's projected plan established in accordance with Regulation 10-221 for orientation and induction training of newly employed supervisors, social workers, eligibility workers, services aides, and other nonprofessional, technical and clerical personnel employed in the administration of the public social service programs. The plan shall specify, by classification of staff, the content of training, the duration of the training, and the qualification of instructors or leaders conducting the training.

14-600

APPROVAL OF COUNTY STAFF DEVELOPMENT PLANS

14-600

Each county welfare department shall have on file with the SDSW the approved agency plan and program for staff development and in-service training for review and approval. The plan and program shall meet, as a minimum, the requirements outlined in the preceding sections, including orientation training, induction training, educational leave provisions, and continuing training activities, and such specific training courses as the SDSW may prescribe on a statewide basis. This shall be carried out in accordance with standards and policies developed by the SDSW for the administration and operation of such programs; and as contained in Handbook Sections of the SDSW Staff Development Manual. Any substantial modification of the approved plan shall be submitted to SDSW for approval.

14-610

SUBMISSION AND APPROVAL OF ANNUAL PLAN FOR CONTINUING TRAINING

14-610

Each county welfare department shall annually submit to the SDSW the county's projected plan for continuing training for personnel employed in the public welfare programs for the forthcoming 12-month period beginning July 1. Such plans shall be submitted to the SDSW early enough to allow sufficient time for adequate review and approval. The projected plan shall outline the number and classification of staff, the subject area of training, the duration of training, type and qualification of leadership, and the proposed starting dates in accordance with Regulation 14-400. (Handbook 14-400 through 14-430). It shall also include the projected budget for training staff, training materials and expenses, including library expenses.

The projected plan shall also specifically identify those training activities established in accordance with Regulations Section 10-221 for supervisors, social workers, services aides and other staff providing required and recommended social services. Consideration shall be given in formulating these training activities to the nature of the job assignment and the knowledge and skill required to carry out an effective services program.

14-620

APPROVAL OF COUNTY WELFARE DEPARTMENT INDUCTION TRAINING PROGRAMS

14-620

A county welfare department which elects to conduct its own induction training program shall submit plan for such program to the SDSW for review and approval as indicated in Regulation Section 14-330 and in accordance with Handbook 14-300.50 and 14-300.60.

Effective 12/1/68

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FOR FILING ADMINISTRATIVE REGULATIONS  
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(Pursuant to Government Code Section 11360.1)

The following regulations are repealed effective 12/1/68:

SD-340 Notification of Employment and Completion of Induction Training

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(Pursuant to Government Code Section 11380.1)

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(GOV. CODE 11380.2)  
NOV 1 - 1968  
Office of Administrative Procedure  
  
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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE  
(Agency)  
Dated: October 22, 1968  
By: *John C. McIntosh*  
Director  
(Title)

**FILED**  
In the office of the Secretary of State  
of the State of California  
  
NOV - 1 1968  
At 4:15 o'clock P.M.  
FRANK M. JORDAN, Secretary of State  
By: *J. H. Sullivan*  
Assistant Secretary of State  
  
DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

44-207 MINIMUM NEEDS OF RECIPIENT IN INDEPENDENT LIVING ARRANGEMENT - 44-207  
OWN HOME (Continued)

AB  
ATD  
OAS

- .1 Needs Chart - Recipient Living in His Own Home  
.11 (Shared or Unshared Living Arrangements for OAS or AB)  
(Shared Living Arrangements - ATD)

| Item   | Allowance by Program |                                  |          |
|--|----------------------|----------------------------------|----------|
|  | AB                   | ATD                              | OAS      |
| A. Food  | \$41.00              | \$35.00                          | \$39.00  |
| B. Clothing  | 12.50                | 9.50                             | 11.50    |
| C. Personal Incidental Needs Including for<br>OAS and AB - Errand Service  | 15.00                | 8.00                             | 14.00    |
| D. Recreation and Education  | 6.00                 | 6.00                             | 6.00     |
| E. Community Participation   | 4.20                 | --                               | 4.00     |
| F. Telephone Service   | --                   | 2.00                             | --       |
| G. Transportation  | 12.00                | 6.00                             | 8.00     |
| H. Services Related to Disability  | --                   | 9.00                             | --       |
| I. Household Operations  | 4.80                 | 4.00                             | 5.00     |
| J. Cost of Living Increase   | 18.00                | 12.00                            | 15.00    |
| K. Subtotal  | \$113.50             | \$91.50                          | \$102.50 |
| L. Plus Housing and Utilities as Paid Not to<br>Exceed \$45.00 when Shared or \$63 when Living<br>Alone (see exceptions in Section .21 below)  |                      | No Minimum<br>\$45.00<br>Maximum |          |
| Minimum Allowance - AB and OAS only  | 30.00                |                                  | 21.00    |
| M. Totals (Including minimum housing-<br>utility allowance for OAS and AB but<br>normal maximum shared housing-utility<br>allowance for ATD). See .21 below<br>for exceptions to normal maximum. | \$143.50             | \$136.50                         | \$123.50 |

Effective 12/1/68

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11360.1)

44-207 MINIMUM NEEDS OF RECIPIENT IN INDEPENDENT LIVING ARRANGEMENT -  
OWN HOME (Continued)

44-207

ATD .12 Living Arrangements Not Shared With Others

| Item  | Allowances       |
|---|------------------|
| A. Individual Items (Same as A through K in .21 above)  | \$ 91.50         |
| B. Added Living Expenses (incident to living alone)   | 5.00             |
| C. <u>Subtotal</u>  | 96.50            |
| D. Plus Housing and Utilities, as Paid, Not to Exceed \$63.00   | 63.00<br>Maximum |
| E. <u>Total</u> (Including normal Maximum Housing-Utility Allowance for Recipient <u>Living Alone</u> . For Exception to normal maximum see .21 below.) | \$159.50         |

44-208 MINIMUM NEEDS OF RECIPIENT IN INDEPENDENT LIVING ARRANGEMENT -  
BOARD AND ROOM (Continued)

44-208

AB  
ATD  
OAS .1 Needs Chart - Recipient Living in Board and Room Arrangement

| Item   | Allowances by Program |                         |          |
|--|-----------------------|-------------------------|----------|
|  | AB                    | ATD                     | OAS      |
| A. Board and Room, as paid, not to exceed \$102 in <u>AB</u> and <u>OAS</u> or \$87 in <u>ATD</u> .<br>(See exceptions in .2 below.)                 |                       |                         |          |
| Minimum Allowance  | \$ 75.80              | no minimum<br>\$87 max. | \$ 65.00 |
| B. Clothing  | 12.50                 | 9.50                    | 11.50    |
| C. Personal and Incidental Needs Including for <u>OAS</u> and <u>AB</u> Errand Service   | 15.00                 | 8.00                    | 14.00    |
| D. Recreation and Education  | 6.00                  | 6.00                    | 6.00     |
| E. Community Participation   | 4.20                  | --                      | 4.00     |
| F. Services Related to Disability  | --                    | 13.00                   | --       |
| G. Transportation  | 12.00                 | 6.00                    | 8.00     |
| H. Cost of Living Increase   | 18.00                 | 12.00                   | 15.00    |
| I. Totals - (Including minimum allowances for board and room for <u>AB</u> and <u>OAS</u> but maximum allowance for board and room for <u>ATD</u> .) | \$143.50              | \$141.50                | \$123.50 |

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(Pursuant to Government Code Section 11380.1)

44-209 MINIMUM NEEDS OF RECIPIENTS IN NONMEDICAL OUT-OF-HOME CARE  
FACILITIES (Continued)

.3 Needs Chart - Recipient Living in Nonmedical Out-of-Home Care Facility

| DO NOT WRITE IN THIS SPACE   |   |  |           |  |        |  |                                   |  |        |  |        |  |                  |
|--|---|--|-----------|--|--------|--|-----------------------------------|--|--------|--|--------|--|------------------|
| Item   | GROUP I                                     |  |           |  |        |  | GROUP II                          |  |        |  |        |  | AB<br>ATD<br>OAS |
|  | Minimum to Moderate<br>Care and Supervision |  |           |  |        |  | Extensive Care<br>and Supervision |  |        |  |        |  |                  |
|  | AB  |  | ATD       |  | OAS    |  | AB                                |  | ATD    |  | OAS    |  |                  |
| A. Board, Room & Personal<br>Supervision   |   |  |           |  |        |  |                                   |  |        |  |        |  |                  |
| Components of Maxima   |   |  |           |  |        |  |                                   |  |        |  |        |  |                  |
| 1) Shelter & Utilities   | 45.00                                       |  | 45.00     |  | 45.00  |  | 45.00                             |  | 45.00  |  | 45.00  |  |                  |
| 2) Food  | 58.50                                       |  | 58.50     |  | 58.50  |  | 58.50                             |  | 58.50  |  | 58.50  |  |                  |
| 3) Personal Supervision<br>& Assistance  | 25.00                                       |  | 25.00     |  | 25.00  |  | 50.00                             |  | 50.00  |  | 50.00  |  |                  |
| Sub-Totals   | 128.50                                      |  | 128.50    |  | 128.50 |  | 153.50                            |  | 153.50 |  | 153.50 |  |                  |
| Allow "charge for care"<br>not to exceed \$128.50<br>for Group I or \$153.50<br>for Group II (See Sec.<br>.41 below)<br>(For exceptions to<br>maxima see Secs. .43<br>and .44 below) |   |  |           |  |        |  |                                   |  |        |  |        |  |                  |
| B. Personal & Incidental<br>Items (Sec. .42 below)   |   |  |           |  |        |  |                                   |  |        |  |        |  |                  |
| Individual Components  |   |  |           |  |        |  |                                   |  |        |  |        |  |                  |
| 1) Clothing  | 10.00                                       |  | 8.00      |  | 10.00  |  | 10.00                             |  | 8.00   |  | 10.00  |  |                  |
| 2) Personal Expense  | 7.00  |  | 8.00      |  | 7.00   |  | 7.00                              |  | 8.00   |  | 7.00   |  |                  |
| 3) Recreation &<br>Education   | 6.00  |  | 6.00      |  | 6.00   |  | 3.00                              |  | 3.00   |  | 3.00   |  |                  |
| 4) Transportation<br>including for AB &<br>OAS Errand Service  | 12.00                                       |  | 9.00<br>9 |  | 12.00  |  | 5.00                              |  | 6.00   |  | 5.00   |  |                  |
| 5) Community<br>Participation  | 4.20  |  | ---       |  | 4.00   |  | 4.20                              |  | ---    |  | 4.00   |  |                  |
| 6) Laundry and Dry<br>Cleaning   | ---   |  | 4.00      |  | ---    |  | ---                               |  | ---    |  | ---    |  |                  |
| Sub-Totals   | 39.20                                       |  | 35.00     |  | 39.00  |  | 29.20                             |  | 25.00  |  | 29.00  |  |                  |
| C. Cost of Living Increase   | 18.00                                       |  | 12.00     |  | 15.00  |  | 18.00                             |  | 12.00  |  | 15.00  |  |                  |
| D. TOTALS<br>(Based on maxima allow-<br>ances for Board, Room<br>& Personal Supervision  | 185.70                                      |  | 175.50    |  | 182.50 |  | 200.70                            |  | 190.50 |  | 197.50 |  |                  |

3 Needs Chart - Recipient Living in Nonmedical Out-of-Home Care Facility

Effective 12/1/68



CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11360.1)

44-311 STATUTORY MAXIMUM GRANTS - ADULT PROGRAMS

44-311

AB | .1 Program Grant MaximumsATD  
OAS

There are different monthly grant maximums for the various public assistance programs.

AB | .11 Grant Maximum for the Blind

The grant maximum is \$193.50 unless there is need for attendant care in which case an additional amount up to \$300 a month may be allowed.

ATD | .12 Grant Maximum for the Disabled

There is no statutory maximum.

OAS | .13 Grant Maximum for the Aged

The grant maximum is \$188.50 unless there is need for attendant care in which case an additional amount up to \$300 a month may be allowed.

-----  
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(GOV. CODE 11380.1)

NOV 15 1968

Office of Administrative Procedure

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE

(Agency)

Dated: June 27, 1968

By: John C. Math

Director

(Title)

FILED

In the office of the Secretary of State  
of the State of California

NOV 15 1968

At 1:15 o'clock P.M.

FRANK M. JORDAN, Secretary of State

By: [Signature]  
Assistant Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

## 44-301 MONEY PAYMENT PRINCIPLE

44-301

AB Each individual or family has the right to manage his own affairs; to decide what  
ATD use of his money, including the aid payment, will best serve his interests; and to  
OAS make his purchases through the normal channels of exchange, enjoying the same  
AFDC rights and discharging responsibilities in the same manner as other members of the community.

Aid payments shall be made in conformity with the money payment principle except when a problem in money management exists (See Sec. 44-307), or when authorized sanctions are applied where a person, without good cause, fails to cooperate in an established WIN program or has refused employment. (See Section 30-163).

## 44-303 AID PAYMENTS - DEFINED

44-303

Aid payments are:

AB .1 Money payments, i.e., payments delivered unconditionally to the recipient  
ATD (or to the legally appointed guardian or conservator of the recipient's  
OAS estate provided such guardian or conservator is not accountable either to  
AFDC the county department or to a public institution responsible for providing care of the recipient) with no state or county control of the use of the payments. Aid payments are for the benefit of the recipient only and do not constitute income to any other person.

or

.2 Protective payments, i.e., assistance payments made to a substitute payee serving as representative of the recipient within the limitations specified in Section 44-307.7.

or

AFDC .3 Vendor payments, i.e., payments made directly to persons or agencies supplying goods or services to the recipients or family as specified in Section 44-307.8.

Effective 7/1/68

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 (Pursuant to Government Code Section 11380.1)

44-307 MONEY MANAGEMENT (Continued)

44-307

AB  
 ATD  
 OAS  
 AFDC

52 County Welfare Department Responsibility

When a money management problem exists, the county welfare department shall:

- .521 Take appropriate steps to analyze the situation and to contact the recipient or his family, interested persons or other principals who have demonstrated concern about his welfare.
  - .522 Develop an individualized and administratively controlled plan for help in resolving the problem. An administratively controlled plan is one which:
    - a. Is documented.
    - b. Sets forth the agency's conclusion as to the factors contributing to the situation.
    - c. Establishes the frequency and nature of contact and the agency's action to be taken.
    - d. Establishes the responsibility for implementing and carrying out the necessary agency actions.
    - e. Reflects the results achieved by carrying out the plan and any modifications resulting from experience as the plan progresses.
    - f. Is reviewed and revised or reconfirmed at intervals not to exceed six months (three months in AFDC) in instances where the maximum potential for improvement has been reached and can be maintained only with the help of long-term payment modifications, the reevaluation period may be extended to twelve months (six months in AFDC).
    - g. Is subject to administrative review and approval.
  - .523 Provide or arrange for those agency services or relationships which will enable the recipient or family to regain and carry a maximum degree of responsibility in managing his or their own affairs to the greatest advantage.
- Services provided may include (but are not necessarily limited to) any one or combination of the following as appropriate:
- a. Help and advice with budget planning, and planning of expenditures. This may include the possibility of follow-up interviews to confirm and discuss the extent of performance on a mutually defined goal and plan.
  - b. Consultation with creditors and/or participation in bringing the principals together for the purpose of achieving a mutual agreement.
  - c. A debt adjustment service.
  - d. Arrangements with other agencies or individuals for referral.
  - e. Use of volunteer services, as appropriate.

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 (Pursuant to Government Code Section 11380.1)

44-307 MONEY MANAGEMENT (Continued)

44-307

AB  
 ATD  
 OAS  
 AFDC

- f. Arranging for participation in group counseling or guidance and complementary group service activities where proper and feasible.
- g. Money payments at intervals of one or two weeks within the month.
- h. As alternatives to protective payments (see .7 below) or vendor payments in AFDC (see .8 below), a variety of casework services and related techniques applied in the solution of the individual's or the family's problem.
- i. Other appropriate services available in the community.
- j. Protective payments (see .7 below) providing there is factual evidence demonstrating that:
  - (1) One or more of the conditions specified in .3 above are identified and establish the existence of money management problems.
  - (2) The recipient's inability to manage his money is the result of a physical or mental incapacity.
  - (3) The case is likely to benefit from a protective payment.
  - (4) Other appropriate services do not suffice to solve the problem.
- k. Arranging for guardianship or conservatorship for the recipient when the evidence supports the conclusion that other services are not adequate and that a protective payment does not offer sufficient protection.

AFDC 1. Vendor payments, providing there is factual evidence demonstrating that:

- (1) One or more of the conditions specified in .3 above are identified and establish the existence of a money management problem;
- (2) The case is likely to benefit from the vendor payment; and
- (3) Other appropriate services do not suffice to solve the problem.

Effective 7/1/68

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WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

44-307 MONEY MANAGEMENT (Continued)

44-307

AFDC .6 Administration of Protective or Vendor Payments

When either protective or vendor payments or a combination of the two are made, no portion of the grant may be made as a cash payment to the family.

The amount paid as a vendor or protective payment for any monthly recurring item of basic need shall not exceed the amount specified for the item in the Itemized Cost Schedule unless:

- a. Total need of the family is met, or
- b. The recipient specifically requests in writing that the full cost of the item be paid.

In determining the amount of a protective or vendor payment for any item, the county and the substitute payee shall exercise care to assure that sufficient funds or other resources remain available to meet the other basic needs of the family.

AB  
ATD  
OAS

AFDC .7 Protective Payments

A protective payment is an assistance payment all, or portion, of which is made to a substitute payee serving as representative of the recipient. Such substitute payee is a person selected to represent the recipient but is not a legally appointed guardian or conservator of the recipient's estate.

Aid payments, generally, must be made directly to the recipient in accord with the basic money payment principle as set forth in Section 44-301. A protective payment may be made only within the limitations prescribed below.

.71 Selection of Substitute Payee

AB  
ATD  
OAS  
AFDC

Selection of the substitute payee should involve consideration of the recipient's or family's preference insofar as practicable. The payee selected may be from the family's friends, relatives, neighbors, or from the clergy, church or community service groups. A staff member from voluntary agencies, such as family service or settlement centers or from public agencies administering health, rehabilitation, housing programs may act as substitute payee, if qualified and willing to serve. Others selected can be home economists, homemakers, housekeeping aides, practical nurses, but are not limited to these.

Criteria for selection of the substitute payee shall include:  
Interest or concern for the welfare of the recipient.

Ability to help the recipient to make proper use of the assistance payment.

Accessibility to the recipient.

Ability to establish and maintain a positive relationship with the recipient.

Good character and reliability.

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 (Pursuant to Government Code Section 11380.1)

44-307 MONEY MANAGEMENT (Continued)

44-307

AB  
ATD  
OAS  
AFDC

.711 Exclusions and Exceptions

Excluded from those who may serve as substitute payee is any operator or person acting in behalf of any public or private facility responsible for the care of the recipient. Also excluded are the landlord, grocer, and other vendors of goods or services dealing directly with the recipient. In AFDC the spouse and adult child living at home are also excluded.

AB  
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OAS  
AFDC

.712 County Worker Serving as Substitute Payee

When no other suitable individual is available, a qualified county welfare employee, other than the case carrying worker, his supervisor or the agency director, may serve as substitute payee. Although the case carrying worker may not serve as substitute payee, he is responsible for providing all necessary services to the recipient and for keeping the agency representative who is serving as substitute payee informed of the recipient's needs for which disbursements are necessary.

.72 Role of Substitute Payee

The individual who agrees to act as payee for a recipient assumes a dual responsibility--to the recipient and to the agency. In accepting an appointment, the substitute payee assumes the obligation to see that the assistance payment is spent for the benefit of the recipient and to work cooperatively with the agency in fulfilling this role.

.721 Substitute Payee-Recipient Relationship

The substitute payee shall have the authority to make decisions about the expenditures of the assistance payment. Whenever possible the recipient shall participate in such decisions and, in all instances, have the opportunity to at least discuss expenditures before they are made. Moreover, care shall be taken that the recipient's rights are not abridged.

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44-307 MONEY MANAGEMENT (Continued)

44-307

AB  
ATD  
OAS  
AFDC

.722 Substitute Payee-Agency Relationship

The county department and the payee shall share in the responsibility for development of plans to improve the recipient's capacity to handle money, the evaluation of the protective payment service, and progress made by the recipient in overcoming money management problems.

The payee shall be accountable to the department in assuring that the assistance payment has been spent on behalf of the recipient. This need not be a detailed account of expenditures, but may appropriately include a general report to the department of funds spent for the recipient such as a simple account book or a monthly certified statement signed by the substitute payee. (See Fiscal Manual Section, F-310.22)

The payee's responsibility to the department shall be defined in writing, with a copy to both the payee and recipient. This shall be supplemented by discussion with the payee of the specific responsibilities, the objectives of the plan, the nature and frequency of the reporting expected and the relationship with other resources to be used. A clear understanding of the rights of the recipient and the confidential nature of the agency-recipient-payee relationship is essential.

.73 Appointment of Substitute Payee

The county department shall have the authority to appoint the substitute payee and shall assist him in providing constructive help to the recipient. It shall also have the authority and responsibility to terminate the payee's service when it is no longer necessary or should it be determined he is not acting in the best interests of the recipient. Before any action is undertaken to remove a substitute payee because of unsatisfactory service, careful evaluation should be made of the individual's performance and ability to continue in this role.

.74 Determination and Payment of the Assistance Grant When All or a Portion of the Payment is a Protective Payment

Total need of the recipient and the amount of the assistance grant are determined in the manner specified in the Need Determination Chapter and this chapter whether or not all or any portion of the payment is a protective payment. In making protective payments, care shall be taken to leave in the hands of the recipient as much responsibility as is possible and consistent with conditions. In the adult program, when only a portion of the assistance payment is paid to a substitute payee and the balance is paid to the recipient, it is important that each understand how the portion of the assistance payment made to him is determined, the needs covered thereby and his responsibilities in meeting those needs.

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44-307 MONEY MANAGEMENT (Continued)

44-307

AFDC .8 Vendor Payments

A vendor payment is an assistance payment all, or portion of which is made to the person or agency supplying goods or services to the recipient or family.

A vendor payment may be combined with a protective payment on behalf of a family. However, when vendor and protective payments are combined it shall be made clear to the recipient and substitute payee what needs are being met by vendor payments.

.9 Controls and Records of Protective and Vendor Payments

The number of cases paid in the form of protective or vendor payments for mismanagement is limited to 10% of each county's AFDC cases exclusive of cases in which sanctions under the Work Incentive Program are applicable. However, reporting on the total number of cases in which protective or vendor payments are made will be required. Accordingly, adequate controls and records must be established so as to permit such reporting.

Effective 7/1/68



CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
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(Pursuant to Government Code Section 11380.1)

FINDING OF EMERGENCY

The following revisions and repeals to the Public Social Services Manual are emergency measures necessary for the immediate preservation of public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Revision to Public Social Services Manual Sections 44-301, 44-303  
44-307 re Protective and Vendor Payments.

The following facts constitute the emergency with respect to the above-identified regulations:

1. P.L. 90-248 the Social Security Amendments of 1967 and implementing regulations of the Department of Health, Education and Welfare require the use of protective or vendor payments as sanctions for failure of an aid recipient to cooperate in an established Work Induction Training Program.
2. P.L. 90-248 the Social Security Amendments of 1967 provides that exclusive of protective or vendor payments paid to aid recipients in the form of sanctions as described in 1 above, the total number of Aid to Families with Dependent Children cases receiving protective payments must be limited to 10 percent of the Aid to Families with Dependent Children caseload.
3. P.L. 90-248 the Social Security Amendments now prohibits the use of "modified payments" currently payable under existing regulations.
4. Present regulations do not now conform to federal requirements and must be revised to comply with federal provisions described above.
5. The revision to regulations must be in operation in California by July 1, 1968, in order to comply with the federal provisions described above.
6. Failure to meet the federal requirements would result in withholding federal funds causing hardship to thousands of welfare recipients.

In order to prevent this adverse effect on public health, safety and general welfare, it is necessary that the above-described regulations be adopted with an effective date of July 1, 1968, as emergency regulations.

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FACE SHEET  
FOILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE

(Agency)

Dated: June 27, 1968

By:

*John C. McIntyre*

Director

(Title)

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

DIVISION 30 PROGRAM STANDARDS FOR SOCIAL SERVICES  
CHAPTER 30-350 DAY CARE SERVICES FOR CHILDREN

30-351 OBJECTIVES

To provide protection, care and developmental experiences, through use of group facilities or family day care homes for children of preschool and school age, whose parents or caretakers need child care when they are at work, engaged in training, or education, are away from the home for other reasons, or where children have special needs. (10-051.6)

30-353 Introduction

Day care services are comprehensive and coordinated sets of activities providing direct care and protection of infants, preschool, and school-age children outside their own homes during a portion of the day. Day care services require provision of supporting activities including administration, coordination, admissions, training and evaluation.

A day care facility is any place where day care is provided, and includes family day care homes, day nurseries, children's centers or other types of day care centers.

30-355 Legislative Requirements

The 1967 congressional amendments to the Economic Opportunity Act and Social Security Act require a common set of regulations and coordination at state and local levels for day care services receiving funds under:

Title IV of the Social Security Act

Part A AFDC

Part B CWS

Title I of Economic Opportunity Act (Manpower Program)

Title II of Economic Opportunity Act

Head Start and versatile community action programs

Title III of Economic Opportunity Act

Program for migrants (by July 1, 1969)

Title V of Economic Opportunity Act

Part A Work Experience Program

Part B Day Care

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30-357 Conditions for Federal Funding

30-357

- .1 The county welfare department shall assure that the regulations in this chapter are met in administering its day care services program and in the facilities which it establishes, operates, or uses through contract or purchase of care.
- .2 Day care facilities shall be licensed or meet the applicable state licensing requirements.
- .3 All the required services identified in Section 30-35, shall be provided. If a day care facility used by the county welfare department does not provide all the required services the county welfare department shall assure that those lacking are provided.
- .4 Requirements apply to all day care services initially funded, on or after July 1, 1968, and those continuing to be funded after this date.
  - .41 A county welfare department may be allowed one year from the effective date of these regulations for compliance provided there is evidence of progress and intent to comply.
  - .42 All new day care facilities intending to use federal funds directly or indirectly, established after the effective date of these requirements, shall comply prior to federal funding.
  - .43 An existing facility may be granted time to comply if evidence of good intent and progress is shown.
- .5 Comply with Title VI of 1964 Civil Rights Act. All day care facilities and operations must comply with this act which requires that services be available without discrimination on the basis of race, color, or national origin.

30-359 Day Care Advisory Committee

30-359

- .1 County welfare departments administering day care services in behalf of 40 or more children and each day care facility receiving federal funds for the care of 40 or more children shall have an advisory committee.
- .2 Such committees must include not less than one-third parents or parent representatives selected by the parents.
- .3 The county welfare department day care committee may be a part of, or separate from, the Family and Children's Services Advisory Committee (see Section 10-032), but in any event it must conform in membership to Sec. 30-359.2.
- .4 The advisory committee shall advise on the implementation and program development of the day care services program.

30-361 Day Care Plans

30-361

- .1 County welfare departments using federal day care funds from any of the sources enumerated in Section 30-35 shall submit a Day Care Services Plan in accordance with Section 10-211, County Plans.

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**FOR FILING ADMINISTRATIVE REGULATIONS  
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 (Pursuant to Government Code Section 11380.1)

**30-361 Day Care Plans (cont.)****30-361**

- .2 After October 1, 1968, use of Title IV B, CWS funds for day care services shall be restricted to services not fundable under IV A, as recipients, former recipients or potentials, and shall be contingent upon the availability of funds.
- .3 Approval of plans will be in accordance with the regulations in this chapter. Any proposed deviations shall be approved in advance by the State Department of Social Welfare.

**30-363 Administration of Day Care Services Program****30-363**

The county welfare department shall:

- .1 Provide for the development, publication and dissemination of policies and procedures governing:
  - .11 required program services - health, education, constructive development experiences, social services, nutrition, parent involvement and education.
  - .12 intake and eligibility for care and services.
  - .13 financing, fees, expenditures, budgeting and any procedures needed for coordination or combined funding within or between day care programs.
  - .14 relationships with community, including education about the program.
  - .15 continuous evaluation, improvement and development of the program in quality and expansion as needed.
- .2 Provide records and reports as required.
- .3 Provide coordination to reduce duplication in service, and promote continuity of care and service.
- .4 Provide orientation and ongoing inservice training for all staff involved in the day care services program for professionals, nonprofessionals and volunteers, with respect to program goals, nutrition, health, child growth and development, the meaning of day care, educative guidance, remedial services and relationships to the community.
- .5 Provide for scheduled evaluation of program and incorporation of needed changes into ongoing plans of operation.

**30-365 Families Eligible for Day Care Services****30-365****.1 Required**

Day care shall be provided for children in all of the following groups:

- .11 AFDC families with parents in training for employment or receiving educational or vocational rehabilitation services.
- .12 Children of ATD parents in training for employment and receiving vocational rehabilitation services.
- .13 Employed AFDC mother requiring day care.
- .14 Any assistance family or potential or former recipient family where day care is appropriate as a part of the provision of social services by the county welfare department such as in protective services or compensatory education.

CONTINUATION SHEET  
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PROGRAM STANDARDS FOR SOCIAL SERVICES  
 DAY CARE SERVICES FOR CHILDREN

30-367

30-365 Families Eligible for Day Care Services (cont.)

30-365

.2 Recommended

Day care may be provided for low income - non-AFDC families who are potential or former recipients receiving training for employment, or educational or vocational rehabilitation services, or who are residents of a target area of special needs, such as migrants.

30-367 Purpose for Which Day Care Funds May Be Expended

30-367

Day care funds may be used for:

.1 Purchase of Care

Purchase of care for individual children or by contract, for families eligible under Section 30-365 from licensed family day care homes, licensed day nurseries, from children's centers meeting licensing standards, from EOA funded day care facilities and other jointly funded facilities.

.2 Direct Operation of Day Care Centers

Direct operation of day care centers funded wholly or from several of the sources of federal funds in Section 30-355 or other sources and which meet licensing regulations in Title 22, Chapter 3, California Administrative Code. In direct operations the following costs are reimbursable:

- .21 Staff salaries, training, employee benefits and travel costs for employees engaged in the establishment and operation of day care centers administered by the county welfare department; required medical examinations for child care staff when not otherwise available.
- .22 Food, food preparation, utilities, transportation, play materials, play equipment, household supplies and children's furniture.
- .23 Liability and other insurance.
- .24 Space, minor renovations, rent, etc., but not capital outlay.

.3 Additional Staff in County Welfare Departments

Staff salaries, employee benefits and travel costs for child welfare supervisors, workers, aides, and volunteers, added to perform one or more of the following duties:

- .31 Assess the extent and location of the need for day care; the resources currently available; the types and location of additional day care facilities needed (i.e., family day care homes; day nurseries, etc.).
- .32 Develop a program for the extension of day care services; coordination of all day care services; establishment of and work with advisory committee;
- .33 Develop and provide day care placement and social services for children for whom the county welfare department will provide day care or make payment for care.

CONTINUATION SHEET  
 FOR FILING ADMINISTRATIVE REGULATIONS  
 WITH THE SECRETARY OF STATE  
 (Pursuant to Government Code Section 11380.1)

PROGRAM STANDARDS FOR SOCIAL SERVICES  
 DAY CARE SERVICES FOR CHILDREN

Regulations

30-367

30-367 Purpose for Which Day Care Funds May Be Expended (cont.) 30-367

.34 Expenses of developing and maintaining the Advisory Committee (See Section 30-357) including meeting attendance expenses, supportive staff and other technical assistance.

.35 Provide counseling and referral service for other parents seeking day care resources.

.4 Operation of neighborhood family day care services

.41 Financial reimbursement is available for salaries and for the following:

.411 Space, including safe outdoor play space for children, furnishings, equipment, and supplies needed in establishing the home for the care of the children, e.g., floor covering, cribs or cots, sheets, blankets, play equipment, teaching materials, and other supplies;

.412 Maintaining the facility, e.g., rent, heat, utilities, laundry, and cleaning;

.413 Food and food preparation for the children in care; and

.414 Liability insurance and other insurance protection.

.42 Services provided by such employees shall meet applicable licensing regulations for the type of care provided, though a license is not required.

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PROGRAM STANDARDS FOR SOCIAL SERVICES  
DAY CARE SERVICES FOR CHILDREN

30-369 Services Required

30-369

.1 Social Services

- .11 Each family shall receive help in determining the appropriateness of day care, the best facility for a particular child, the care of siblings and referral to additional resources as needed.
- .12 Continuing assessment shall be made with the parent and the facility of the day care plan in relation to the child's adjustment in the facility and the family situation.
- .13 There shall be procedures for coordination and cooperation with other organizations offering resources needed by the child and his family.
- .14 Provision shall be made for a fee schedule to determine on an objective basis the ability of families to pay part or all of cost of day care and for payment of reasonable fees by parents able to pay.
- .15 Service aides shall be used in meaningful roles in the provision of social services.

.2 Health and Nutrition Services

- .21 The county welfare department shall assure that the health of the children is supervised by a qualified physician, preferably a pediatrician or physician especially interested in child health.
- .22 Each child shall receive dental and medical evaluations on entering day care and at subsequent intervals appropriate to his age and state of health.
- .23 Arrangements shall be made for medical and dental care and treatment for each child. Help shall be given as needed in use of existing community resources. In the absence of other financial resources, the county welfare department shall assume responsibility to see that no child is denied health services because his parents are unable to carry out an adequate health plan.
- .24 Each child shall have available to him all immunizations appropriate to his age.
- .25 Adequate health records on every child shall be maintained by the county welfare department, and by the facility used in the care of the child.

.3 Educational Services

- .31 Educational opportunities appropriate to every child's age regardless of type of facility in which enrolled shall be provided each child.

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DAY CARE SERVICES FOR CHILDREN

30-371 Location and Use of Day Care Facilities

30-371

- .1 Members of low income or other groups in the population and geographic areas which have the greatest relative need shall be given priority in the extension of day care facilities.
- .2 In the establishment or use of a day care facility, the following factors shall be taken into consideration:
  - .1 Travel time for both children and parents and convenience to the place where parents live and work so as to make participation in program possible.
  - .2 Potentiality for achieving equal opportunities for people of all racial, cultural and economic groups to use the facility.
  - .3 Availability of health and educational facilities.

30-373 Project Funds for Day Care

30-373

- .1 A portion of day care money has been set aside for cooperative projects. County welfare departments wishing to develop cooperative projects with other public or private agencies to obtain needed day care services, or to provide day care services other than those described above, may make application for project funds in the method set forth in Section 62-051, Demonstrations Project, Operations Manual. Before preparing a formal application, it will be desirable to contact the regional office of the State Department of Social Welfare, to discuss the proposed plan. Department staff will assist in developing a formal project proposal.

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 WITH THE SECRETARY OF STATE**  
 (Pursuant to Government Code Section 11380.1)

**FINDING OF EMERGENCY**

The following revisions and repeals respectively of the regulations of the State Department of Social Welfare are emergency measures necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

1. Revisions

Public Social Services Manual,  
 Chapter 30-350: Day Care Services  
 for Children.

2. Repeals

Public Social Services Manual  
 Chapter 56-600: Day Care Services  
 for Children.

The following facts constitute the emergency with respect to the action upon the regulations listed above:

1. P.L. 90-248, the Social Security Amendments of 1967, requires a common set of standards for federal state and local agencies respecting day care services. These standards include the conditions for federal funding, the provisions respecting a Day Care Advisory Committee, the requirement of a day care plan, designation of administrative responsibilities and families eligible for day care services, the purposes for which funds may be expended, the services required, the location and use of day care facilities, and the identification of project funds for day care. Existing California regulations do not comply with these new requirements.
2. The above revisions and repeals of the departmental regulations will implement the federal requirements for the Day Care Services for Children Program to provide protection, care and developmental experiences, through use of group facilities or family day care homes for children of preschool and school age whose parents or caretakers need child care when they are at work, engaged in training or education, are away from the home for other reasons, or where children have special needs.
3. These revisions must be in operation in California on July 1, 1968, in order to comply with the new federal requirements.
4. A failure to revise the regulations prior to July 1, 1968, will result in the loss of federal funds which would have an adverse effect upon the public health, safety and general welfare.

The above revisions and repeals must, therefore, be adopted as

emergency measures to be effective upon filing with the Secretary of State and to be operative as of July 1, 1968.

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The following regulations are to be repealed effective July 1, 1968:

Chapter 56-600 Day Care Services for Children

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(Pursuant to Government Code Section 11380.1)

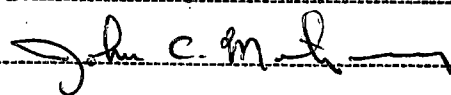
Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE

(Agency)

Dated: June 24, 1968

By:



Director

(Title)

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

44-261 SPECIAL NEED FOR HOUSEHOLD REMEDIES AND OTHER HEALTH RELATED NEEDS

44-261

OAS

Special need of \$4 a month is allowed to each OAS recipient to cover the cost of household remedies and other health related needs not within the minimum need standard or the scope of service under Medi-Cal. However, recipients who remain in a medical facility beyond a temporary period as provided in Regulation 44-211.1, are not entitled to this special need allowance as total need of such recipients is limited to \$15 a month.

Effective 7/1/68

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(Pursuant to Government Code Section 11380.1)

FINDING OF EMERGENCY

The following regulation revision is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provision of Section 11421(b) of the Government Code.

The emergency revision herein proposed in PSS Regulation 44-261 provides for continuation of a \$4 special needs allowance for OAS recipients.

The following facts constitute the emergency with respect to the above-listed regulation:

1. Item 351.5 of the Budget Act of 1966 and Item 284.5 of the Budget Act of 1967 included a specific directive that the State Department of Social Welfare establish a special need allowance of \$4 for recipients of Old Age Security and, as one alternative, suggested the \$4 special need be allowed to enable recipients to purchase personal and sundry items for which they have need.
2. Regulation A-204.05 established this \$4 special need for the fiscal year 1966-67 and PSS Regulation 44-261 continued the same \$4 special need for the fiscal year 1967-68.
3. Unless action is taken to continue this special need allowance, it will terminate effective June 30, 1968, thus necessitating a decrease in grant to most OAS recipients effective July 1, 1968.
4. The revision of PSS Regulation 44-261 continues this \$4 special need allowance for all Old Age Security recipients, other than those who remain in a medical facility beyond a temporary period.
5. Failure to adopt this provision as an emergency regulation would contravene legislative intent and delay for several months the availability of the funds to the recipients of Old Age Assistance.
6. Such a delay would necessarily have a detrimental effect on the health, safety and general welfare of the recipients affected.

It is, therefore, necessary that this revision of PSS Regulation 44-261 be adopted as an emergency measure to be effective immediately upon filing with the Secretary of State and to be operative July 1, 1968.

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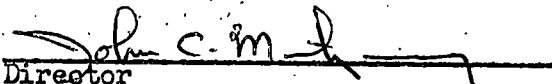
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(Pursuant to Government Code Section 11380.1)

CERTIFICATE OF COMPLIANCE  
Under Sec. 111422.1 Government Code

I hereby certify that prior to the adoption of the emergency regulations set forth below Sections 111423, 111424 and 111425 of the Government Code were complied with:

111-261 filed with Secretary of State 6-28-68  
111-301 " " " " 6-28-68  
111-303 " " " " 6-28-68  
111-307.52 through 111-307.9 filed with Secretary of State 6-28-68  
Chapter 30-350 filed with Secretary of State 6-28-68  
Repeal of Chapter 56-600 filed with Secretary of State 6-28-68

STATE DEPARTMENT OF SOCIAL WELFARE

  
Director

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(Pursuant to Government Code Section 11380.1)

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Copy below is hereby certified to be a true  
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amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE

(Agency)

Dated: November 15, 1968

By: John C. Smith

Director

(Title)

FILED

In the office of the Secretary of State  
of the State of California

NOV 15 1968

At 1:15 o'clock P.M.

FRANK M. JORDAN, Secretary of State

By: [Signature]  
Assistant Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

- (1) Repeals Department Bulletin No. 651 (OAS) (Revised), Revision of Old Age Security Administration
- (2) Repeals Regulation 40-141, Declaration of Eligibility
- (3) Adopts recodified Sections as follows:

## CHAPTER 40-200 DECLARATION SYSTEM

40-201 FUNCTIONAL SEPARATION OF ELIGIBILITY AND GRANT DETERMINATION FROM  
DELIVERY OF SOCIAL SERVICES - DECLARATION SYSTEM

40-201

OAS | 1

General Description and Purpose

The administration of this program involves the use of the declaration for the determination of eligibility and grant and the separation of the eligibility and grant function from the social service function. The major objectives of the separation of eligibility and grant functions from the provision of social services function and for the use of the declaration system are:

- .11 Simplification of administration through use of a client-completed declaration as a basis for decision and action.
- .12 Better utilization of personnel by assigning professional staff exclusively to the service function and separating the technical aspects of determining eligibility and computing grant.
- .13 More and better focused services available promptly to those needing them.
- .14 Greater recognition and appreciation of the individuals' dignity, personal rights, and responsibilities.

2

Key Elements

The following key elements are an essential to the separation of functions and the use of the declaration:

- .21 The eligibility and grant process is separated from all other functions and is assigned to an organizational section staffed by a technical, nonsocial work class.
- .22 The validation process, dealing with an identified sample, is carried on by a small unit with a highly specialized function, separate from the eligibility section and from the service section.
- .23 The social work process gives full attention to the service needs of applicants and recipients.
- .24 All of these processes shall be closely coordinated, and the sections shall be in effective communication so that the applicant/recipient receives prompt and complete service.
- .25 A self-declaration form (AG 201) and procedure permits applicants and recipients in selected programs to declare the facts required so that the county can make the finding of eligibility or ineligibility based on the client declaration and compute the amount of grant.

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CONTINUATION SHEET  
**FOR FILING ADMINISTRATIVE REGULATIONS  
 WITH THE SECRETARY OF STATE**  
 (Pursuant to Government Code Section 11380.1)

40-203 ELIGIBILITY AND GRANT SECTION

40-203

OAS

1

General

A distinct and specialized organizational unit, identified as the eligibility section, shall carry all eligibility and grant responsibilities and activities. This includes initial and annual redeterminations of eligibility; determination of need and amount of grant on all cases, including those cases currently carried by the Service Section, pending and approved; and all case movement in and out of the designated programs and in and out of the county.

2

Application

Applications and their recording are governed by PSS Sections 40-101 through 40-127, except that sections are applicable only to the extent that they do not conflict with the principles of this section. The declaration system begins when the application has been recorded.

3

Declaration of Eligibility

.31

Eligibility Decisions

An applicant has primary responsibility within his capacity for gathering and declaring facts accurately relative to his eligibility, and for presenting any further data or information needed to reconcile inconsistencies if such exist. The eligibility worker shall evaluate the capacity of the applicant to meet his responsibility, and provide assistance to him when such is necessary.

Eligibility decisions and actions are based on the client's declaration of fact as recorded by him in completing and signing the declaration form. Inconsistencies, discrepancies and conflicting information shall be cleared with the client before his declaration is considered to be completed.

Eligibility and grant determinations shall be made in accord with existing PSS regulations except where those regulations specifically require verification of the applicant's or recipient's statements or otherwise conflict with the principles, policies and procedures set forth in this section.

.32

Interim Changes in Eligibility

Interim changes in eligibility and need and income factors shall be accepted for action, as reported by recipients, subject to clarification with the recipient, of inconsistencies or incomplete or conflicting information. Reporting by the client may take various forms. In some situations it may occur in confirmation or correction of information which has come to the agency from some other source. In all situations, however, it is essential to maintain the client's responsibility for the information on which action is taken.

OAS

.33

Declaration Form Procedure (Form AG 201)

The declaration form is Form AG 201. A Spanish language version is available. The general procedural steps related to use of the declaration are:

- .331 Send or give the declaration form to the applicant, with explanatory material including explanatory Form 201A (Applicants). If it is presented in the office, make additional verbal explanations as needed.
- .332 When the applicant's declaration is completed on his behalf by another person, the pertinent part of Section 40-131 applies.
- .333 Establish controls to assure follow-up if the declaration is not returned. If there is no explanatory communication, the applicant shall be interviewed, if possible. When all reasonable assistance has been given, and there is no indication of circumstances to justify delay, denial action shall be taken at the end of 30 days from the date of application.
- .334 When the declaration is returned, review for completeness and consistency. Initiate further completion or clarification with the applicant as necessary. Note particularly items designated on the declaration where supplemental information from the applicant may be necessary in order to apply criteria specified in regulations.
- .335 Examine the declaration for any of the responses requiring a service referral. (See 40-143.6) Initiate referral promptly.

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40-203 ELIGIBILITY AND GRANT SECTION (Continued)

40-203

.336 Determine eligibility and amount of grant from completed declaration. The criteria for determination of eligibility, need, and amount of grant, are those contained in the PSS Regulations with the exception of verification which is controlled by the principles in this chapter.

.337 Budget computation, preparation and execution of action documents, and notification to the applicant, all proceed in accord with provisions of the PSS Regulations.

4 Required Interview

A minimum of one individual face to face interview is required with each applicant, in connection with his application and the completion of his declaration and for each annual redetermination of eligibility.

OAS

.41 Responsibility for Required Interview

Interviewing of applicants and recipients in relation to eligibility is the responsibility of the Eligibility and Grant Section.

.411 Group Interview

The required individual interview may be supplemented by group interviews.

5 Annual Redetermination

In general, the same procedure applies to the annual redetermination. Send or give the declaration form to the recipient when the redetermination is due to be initiated together with explanatory material including Form 201B (renewals).

The prior record shall be used for comparison with the current declaration.

6 Referrals to Social Services Section

.61 Responsibility for Referrals

Staff of this section shall be responsible for referring individuals to the service section who are observed as having obvious or apparent need for some social service, or who ask for help with a problem other than eligibility or grant. Close cooperation between the eligibility section and service section is essential, and this cooperation may require joint planning between a social worker and an eligibility worker, for example, when there appears to be need for an attendant; evaluation by a social worker and county medical staff may be necessary before the eligibility worker can make the appropriate grant determination.

The section has responsibility for identifying possible or actual need for service, in accord with criteria specified below. Responsibility ends with making the referral, though it may need to be made urgently in some cases, and shall be made promptly upon identification of the need. When more than one reason for referral is known, all shall be identified on the referral Form AG 261.

.62 Referral Based on Declaration Items

Certain questions on the Declaration, Form AG 201, are designed to provide clues of need for services. When the responses to these questions indicate possible need for service referral, the use of Form AG 261 is mandatory unless consultation with the eligibility supervisor determines that such referral does not meet the existing criteria for services. In such case, the reason for not referring shall be recorded on the declaration form.

.63 Referral Based on Observation

Referral shall also be made if it is observed that:

.631 Housing or other living conditions appear to threaten the safety, health, or general well-being of the applicant;

.632 There is a situation in which someone is taking advantage of the applicant, is depriving him of rights or property, or is mistreating him;

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## 40-203 ELIGIBILITY AND GRANT SECTION (Continued)

40-203

OAS

- .633 The applicant appears to have a physical or mental handicap which limits his ability to care for himself or to manage his affairs;
- .634 There is apparent need for medical care which is not being received;
- .635 The applicant is on leave of absence from a state hospital.

**.64     Referral Related to Eligibility or Need**

Immediate referral to the service section shall be made when the person appears to need help in handling his feelings or his relationships about establishing his eligibility or need. In such situations, the social worker may take the lead in helping the person declare the facts as to his eligibility or need. The decision on eligibility and grant determination is the responsibility of the eligibility worker.

**.65     Service Referral Form Procedure (261)**

Referrals shall be made by means of Form 261, Service Referral/Completion Report. The form shall be completed in all instances, including referrals initiated by phone or by direct contact.

## 40-205 VALIDATION SECTION

40-205

OAS**.1     General**

A distinct and specialized organization unit, identified as the validation section, shall be separate from the eligibility and service sections and shall on the basis of sample cases perform a full eligibility study.

Staff of this section shall conduct a full eligibility study according to methods set forth in PSS regulations on a sample of cases prescribed by the department to insure that facts are declared accurately by applicants at time of application, or by recipients at time of the annual redetermination.

**.2     Case Action**

Cases to be tested shall be identified and referred to the section immediately. The validation study shall be initiated promptly and completed as rapidly as possible. Discrepancies require corrective action and shall be reported to the eligibility section for action.

**.3     Section Responsibility for Service Referral**

Staff of this section has responsibility for awareness of need for social services and shall refer to the service section (Form 261).

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## 40-210 SERVICE SECTION

40-210

OAS

.1

General

A distinct and specialized organization unit, identified as the service section, shall carry all services activity in accord with service regulations.

.2

Sources of Referral

Cases come into the service section for assignment and work on the basis of referral, including the referrals from the eligibility section, validation section, and self-referrals or referrals by other persons in the community. Referrals for service shall be assigned immediately to a service worker for an initial interview.

.3

Filing of Referral Form

A copy of the referral form shall be filed in the case record.

.4

Service Activity

Initial interviews shall not be deferred.

Referrals to the Service Section shall be given immediate and careful appraisal, not only with respect to the need identified by the referral but also with respect to any other need that may exist. The results of this appraisal shall be recorded.

Activity shall proceed in accordance with service requirements and shall be recorded.

Cases shall not be allowed to remain in the Service Section in an inactive or unassigned condition.

.5

Supervisory Responsibility

Supervisors have responsibility for seeing that significant planned activity continues at an appropriate tempo, that case plans are reconsidered when necessary, and that service status is ended when activity is no longer needed or justified.

.6

Termination of Service Activity

A service case is closed only when the service activity related to all identified service needs is completed.

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CHAPTER 10-500 DECLARATION SYSTEM - ORGANIZATIONAL AND FUNCTIONAL SEPARATION

10-501 ORGANIZATIONAL AND FUNCTIONAL SEPARATION OF ELIGIBILITY AND  
 GRANT DETERMINATION FROM DELIVERY OF SOCIAL SERVICES

10-501

OAS | .1 Purpose

The administration of this program involves the use of the declaration for the determination of eligibility and grant and the separation of the eligibility and grant functions from the social service function. The major objectives of the separation of eligibility and grant functions from the provision of social services function and for the use of the declaration system are:

- .11 Simplification of administration through use of a client completed declaration as a basis for decision and action.
- .12 Better utilization of personnel by assigning professional staff exclusively to the service function and separating the technical aspects of determining eligibility and computing grant.
- .13 More and better focused services available promptly to those needing them.
- .14 Greater recognition and appreciation of the individual's dignity, personal rights, and responsibilities.

.2 Structure

To allow better utilization of available skills and training, and to simplify processes and procedures to the extent possible, the following functional structure shall be used by county welfare departments in selected public assistance programs:

- .21 A section staffed by eligibility workers or comparable classes under social work supervision assigned responsibility for determination of eligibility and grant amount.
- .22 A section staffed by eligibility workers or comparable classes assigned responsibility for the validation of eligibility findings and grant determination of a state-established sample of cases. Direct supervision of the validation section shall not be combined with direct supervision of either eligibility staff or services staff.
- .23 A section staffed and supervised, within standards prescribed by the department, by social workers assigned responsibility for provision of social services.
- .24 In county operations where the staff is so small in number that functions cannot have the full separation which these regulations prescribe, they will be combined to the extent necessary. The functions and processes will, however, be maintained as described.

As a part of the simplification process for the separation of functions, a self-declaration form and procedure permits applicants and recipients in selected programs to declare facts required to establish eligibility and amount of grant. This is not a self-certification. The county welfare department, based on this client declaration of facts, makes the finding of eligibility or ineligibility and computes the amount of grant.

10-503 APPLICATION OF OTHER PSS AND OPERATIONS REGULATIONS

10-503

Except as specified herein, all PSS and Operations regulations are applicable in the Declaration System. However, to the extent that other PSS or Operations regulations specifically require verification of the applicant's or recipient's statement, or otherwise conflict with the policies and procedures set forth in Sections 40-200, et seq, or 10-500, et seq, such other regulations are declared to be subject to the provisions of these sections.

10-507 DESIGNATED PUBLIC ASSISTANCE PROGRAMS

10-507

Sections 10-500 et seq; and 40-200 et seq; shall govern in designated programs.

The following programs are covered by this section:

Old Age Security effective in all counties on June 30, 1968

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10-509 ORGANIZATION AND MANAGEMENT

10-509

.1 Eligibility and Grant Section

A distinct and specialized organizational unit under social work supervision, identified as the Eligibility and Grant Section, shall be established.

.11 Workload Assignment and Activity

The Eligibility and Grant Section shall be responsible for eligibility and grant activities on all cases, including pending and active cases carried by the Services Section. Initial and annual redeterminations of eligibility, determination of need and amount of grant, and all case movement in and out of the designated programs and in and out of the county are included.

The entire agency caseload is the workload of the Eligibility and Grant Section. Records are banked in the eligibility and grant file. Assignment for action and the filing and management of records shall facilitate activities of the Eligibility and Grant Section. Individual caseload assignment as a means of fixing responsibility for the eligibility and grant function is not permitted.

.12 Personnel and Supervision

The section shall be staffed by incumbents in the technical, nonsocial work classes of Eligibility Worker I (trainee) and Eligibility Worker II (journeyman). In civil service counties, a comparable class or classes shall be utilized. These incumbents shall be assigned such functions as interviewing in connection with eligibility and grant, assisting with completion of the declaration, making eligibility and need determinations, taking eligibility grant actions, and referring for service.

Supervisory staff shall be incumbents in one of the social service supervisor classifications. In civil service counties, a comparable class or classes shall be utilized.

Clerical and other supportive processes may be distinguished for staffing purposes.

.13 Staffing

The recommended staffing for eligibility workers in the Eligibility and Grant Section is:

a. With Supporting Clerical Staff

The ratio of the number of eligibility workers to the total workload is one worker to a maximum of 350 cases.

b. With No Supporting Clerical Staff

The ratio of eligibility workers to the total workload is one worker to a maximum of 250 cases.

c. Supervision

The supervisory standard is six eligibility workers per supervisor.

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10-509 ORGANIZATION AND MANAGEMENT (Continued)

10-509

**.2 Validation Section**

A distinct and specialized organizational unit identified as the Validation Section, shall be established.

**.21 Workload Assignment and Activity**

Responsibility for a full eligibility study on a department prescribed sample of cases shall be carried on by this section to test the accuracy of facts as declared by applicants and recipients and to concurrently test the correctness of the eligibility worker's decision. With respect to verification of eligibility and need, activity of this section shall be limited to cases identified in the prescribed sample.

Cases to be tested shall be identified and referred to the section immediately. The validation study shall be initiated immediately upon receipt of the case and carried through to completion as rapidly as possible. Discrepancies require action and shall be reported to the Eligibility and Grant Section for action.

The full eligibility study shall be conducted in accordance with appropriate PSS regulations.

Staff of this section is also responsible for referral to Services Section via Form AG 261.

**.22 Personnel and Supervision**

The section shall be staffed by fully trained incumbents in the technical, nonsocial work class of Eligibility Worker II or in a comparable class.

Direct supervision of this section shall not be combined with that of the eligibility section or social services section except as necessary because of limited number of staff.

**.23 Staffing****a. With Supporting Clerical Staff**

The recommended standard for the validation worker is 30 field tests per month.

**b. With No Supporting Clerical Staff**

The recommended standard for the validation worker is 20 field tests per month.

**c. Supervision**

The recommended supervisory standard is six eligibility workers per supervisor.

**.3 Services Section****.31 Workload Assignment and Activity**

See Operations Manual 10-051 and 10-300, relating to required service programs and program standards.

**.32 Personnel and Supervision**

See Operations Manual 10-203.322 relating to supervisory standards following separation of functions.

**.33 Staffing**

See Operations Manual 10-203.321 relating to staffing standards following separation of functions.

**.34 Recording and Processing Referrals to Section**

Cases come into the service section, for assignment and work, from any source of referral on the basis of Form AG 261.

**.35 Case Record**

See Operations Manual 10-204, relating to the case record. A copy of the referral shall be filed in the case record, and activity of this Section shall be recorded.

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DEC 2 - 1968

Office of Administrative Procedure

ENDORSED

APPROVED FOR FILING  
(GOV. CODE (11380.1))

DEC 2 - 1968

Office of Administrative Procedure

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Copy below is hereby certified to be a true  
and correct copy of regulations adopted, or  
amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE

(Agency)

Dated: November 29, 1968

By:

*John E. Monty*

Director

(Title)

FILED

In the office of the Secretary of State  
of the State of California

DEC 2 - 1968

At 11:40 o'clock a.m.

FRANKLIN JORDAN, Secretary of State

By: *H. T. Sullivan*  
Assistant Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

## CHAPTER 31-350 STATE PRESCHOOL SERVICES

## 31-351 OBJECTIVES

31-351

To provide for children between the ages of three and the age when chronologically eligible for kindergarten from economically and culturally deprived homes the experiences and motivation to prepare them to enter public school on an equal basis with children from more advantaged homes. (See Sec. 10-053.5)

## 31-353 GENERAL

31-353

Preschool Educational Services authorized by W&IC 16150 through 16158 are available to all counties on behalf of eligible children, within the terms of an Interagency Agreement between the State Department of Social Welfare and the State Department of Education, subject to the amount of funds appropriated each year by the Legislature and to priorities established jointly by the Department of Social Welfare and the Department of Education. These are provided through preschool classes supervised by the State Department of Education, social services through the county welfare department and parent participation in the preschool program.

## 31-355 ADMINISTRATION OF STATE PRESCHOOL PROGRAM

31-355

The responsibilities of the county welfare department are:

- .1 To determine at intervals of not more than 12 months the extent to which preschool educational services are needed but are otherwise unavailable to children in AFDC and other low-income or disadvantaged families;
- .2 To seek development of arrangements with providers of preschool services to meet this need;
- .3 To submit annually to the State Department of Social Welfare as part of county plan for services and in accordance with procedures promulgated by the department: a proposed plan of participation in the program for the next year, including an evaluation of the prior year's program if one existed. All counties, whether or not participating in the program, shall include in their plan for services annual statistics on estimated numbers of children eligible, and information regarding other preschool programs operating in the county (Head Start, ESEA, Children's Centers);

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|                |                           |             |
|----------------|---------------------------|-------------|
|                | REQUIRED SERVICE PROGRAMS |             |
| 31-355 (Cont.) | STATE PRESCHOOL SERVICES  | Regulations |

|  |  |        |
|--|--|--------|
| 31-355 ADMINISTRATION OF STATE PRESCHOOL PROGRAM (Continued) |  | 31-355 |
|--|--|--------|

- .4 To provide for adequate staffing, and the training of staff, according to the need of the program and within the Standards for Social Services;
- .5 To assure that appropriate intake services are made available to all families with preschool age children, and to assure certification to approved preschool facilities of children, without regard to their aid status, who are determined by the county welfare department to be eligible for and in need of the preschool education service;
- .6 To provide appropriate continued social services to the families of children certified for preschool education;
- .7 To coordinate the objectives and operations of this program with those of the Employment and Social Rehabilitation Services, with respect to the selection, training and employment of recipients of public assistance as teachers, teacher's aides, social service aides, and other personnel essential to the delivery of preschool educational services;
- .8 To submit monthly statistical reports to the State Department of Social Welfare regarding children certified and enrolled in the program.

|                    |  |        |
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| 31-357 ELIGIBILITY |  | 31-357 |
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- .1 A child to be eligible must be:
  - .11 between his third birthday and the age when he is chronologically eligible to enroll in kindergarten (see Sec. 5254 of Education Code) at time of enrollment in a preschool facility.
  - .12 from a family currently receiving Aid to Families with Dependent Children, or
  - .13 from a family classified as a former or potential recipient of public assistance (Operations Manual 10-072).
- .2 Priority shall be given to certification of children from homes where English is not the first language.
- .3 A child from a nonassistance family shall have equal opportunity with AFDC children to enter the program.

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|             |                           |        |
|-------------|---------------------------|--------|
|             | REQUIRED SERVICE PROGRAMS |        |
| Regulations | STATE PRESCHOOL SERVICES  | 31-359 |

|                      |  |        |
|----------------------|--|--------|
| 31-359 CERTIFICATION |  | 31-359 |
|----------------------|--|--------|

- .1 Certification is the process on the part of the county welfare department of determining a child's eligibility and need for the program and notifying in writing the preschool facility of the child's eligibility and need.
- .2 Nonassistance children shall be certified prior to enrollment in the preschool facility.
- .3 A child shall be certified and enrolled annually. Once participation begins, the child may continue until the end of the school year (including a subsequent summer session) even though he has reached kindergarten age during this school year. Once a child has enrolled in kindergarten or first grade, he is ineligible for preschool education.

|                        |  |        |
|------------------------|--|--------|
| 31-361 SOCIAL SERVICES |  | 31-361 |
|------------------------|--|--------|

- .1 Social services shall be provided to the families of all children certified by the welfare department and enrolled in the preschool program. Special emphasis shall be given to assuring the child's continued attendance and ability to benefit from the program and the parent's active and continuous participation in the program.
- .2 A medical examination and appropriate follow-up shall be provided for each child enrolled. Eligibility or ineligibility for Medi-Cal shall be determined for each nonassistance former recipient or potential recipient family.

|                           |  |        |
|---------------------------|--|--------|
| 31-363 SDSW REIMBURSEMENT |  | 31-363 |
|---------------------------|--|--------|

County welfare departments may claim reimbursement for all costs of administering the program on behalf of nonassistance families in accordance with Fiscal Manual Sections 25-805.10, 25-805.20, 25-810.30 and 25-860.70.

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CONTINUATION SHEET  
FLORIDA JILING ADMINISTRATIVE REGULATION.  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11280.1)

30-163 COUNTY ACTION WHEN DETERMINATION HAS BEEN MADE THAT THE  
RECIPIENT HAS REFUSED TO PARTICIPATE IN WIN OR ACCEPT  
EMPLOYMENT WITHOUT GOOD CAUSE

30-163

- AFDC .1 A recipient who is found not to have good cause for refusal to participate in WIN or accept employment will be given a 60-day period to reconsider his refusal (see Regulation Section 30-163.2 for exception). During this period he will be given counseling by the caseworker or other services aimed at overcoming obstacles to his participation in WIN or take employment in which he is able to engage. This 60-day period shall begin either seven days after the refusal, or in the case of a WIN referral following an adverse decision to an appeal to the Department of Employment, if one has been filed.
- .11 If such recipient is a relative receiving AFDC, his needs shall be taken into account in determining the family's need for assistance, and assistance in the form of protective or vendor payments will be made during the 60-day counseling period. If, after this period, he continues to refuse to participate, his needs shall not be taken into account in determining the family's need for assistance, and assistance in the form of protective or vendor payments for the remainder of the family will continue to be made.
- .12 If the recipient is the only dependent child in the family, assistance for the family will be discontinued after the 60-day counseling period.
- .13 If the recipient is one of several dependent children in the family, assistance for that child shall be discontinued after the 60-day counseling period and his needs shall not be taken into account in determining the family's need for assistance.
- .14 If the person is not a recipient, his needs, after the 60-day counseling period, will not be taken into account in determining the family's need for assistance.

30-175 WORK INCENTIVE PROGRAM

30-175

.2 Prompt Referrals

Referrals shall be made promptly and will not be deferred because there is no project activity under the Work Incentive Program to which recipients can be assigned. The individual will not be expected to report to the WIN office until such time he is notified in writing by that office of the date and time of his appointment.

*Effective 1/1/69*

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

30-161 GOOD CAUSES FOR REFUSAL OF EMPLOYMENT WHEN FATHER HAS NOT BEEN REFERRED TO WIN 30-161

- .3 The wages offered for the job were lower than the rates prevailing for similar work in the community or lower than the minimum rates established by the Federal or state law for such work, whichever of the three rates is higher.

AB  
ATD  
OAS  
AFDC

30-165 Social Rehabilitation Services (SRS)

.1 Definition

SRS are those planned activities required for achieving full or partial self-support, excluding situations which can be appropriately handled under WIN or ETP. The activities are characterized through a specific element of pre-training, or pre-conditioning necessary for a vocational or self-support objective. Examples would be participation in sheltered workshops, activity centered therapy projects and other group activity projects, homemaker or home management training as a prerequisite to an effective self-support plan, basic education essential to a plan of employment or self-support. In general, it would be applicable to non-WIN, or non-ETP eligible AFDC recipients and to recipients in the adult categories for whom a realistic appraisal indicates a feasible capacity, potential, and motivation for partial or full self-support.

.2 Required Services

SRS is a required service which counties shall provide for those recipients found to be in need of such services.

30-167 SERVICE-CONNECTED EXPENSES (WIN, ETP, SRS)

30-167

- .1 Service-connected expenses, i.e., direct expenses to persons required to enable their participation in a WIN, ETP or SRS activity, shall be met in full.
- .2 Expenses which shall be allowed include:
- .21 Transportation expense, including the operating cost of an auto, the cost of car insurance and registration fees, and car payments if car payments are essential to enable a plan of participation in WIN, ETP, or an SRS formalized activity-centered (workshop) activity or other full-time group activity project and no other feasible plan of transportation is available;

Effective 1/1/69

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FC ILLINOIS ADMINISTRATIVE REGULATION  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

30-167 SERVICE-CONNECTED EXPENSES (WIN, ETP, SRS) (Continued)

30-167

- .22 Cost of child care, i.e., day care or in-home care of children;
- .23 Cost of essential items not provided by other agencies as part of the training of the individual;
- .24 Cost of medical treatment or appliances, to the extent that such costs are essential to realization of the purposes of the plan and cannot be met from other resources; and
- .25 Additional costs of lunches, clothing, grooming and incidental expenses, which shall be allowed as follows:
- .251 A standard, flat allowance of \$25 per month, for persons engaged in WIN, ETP or an SFS formalized activity-centered (workshop) activity. (Note: Until July 1, 1969, this allowance may be met from assistance or administrative funds or a combination of both, for persons not engaged in a WIN activity, per Section 30-167.32 below).
- .252 For persons engaged in an SRS activity other than that specified in Section 30-167.251 above, a reasonable amount shall be allowed which reimburses the recipient for the actual additional costs required to enable participation in the particular SRS activity.
- .3 Service-connected expenses for WIN, ETP and SRS shall be met only from administrative funds, as follows:
- .31 WIN: Service-connected expenses described in 30-167.2 above shall be met only from administrative funds beginning not later than the effective date of this regulation, but claims may be prepared and submitted on the basis of this regulation for such expenses incurred after September 1, 1968.
- .32 ETP, SRS: Service-connected expenses described in 30-167.2 shall be met only from administrative funds beginning not later than July 1, 1969, but claims may be prepared and submitted on the basis of this regulation at any time prior to that date on the same basis as for WIN service-connected expenses.

Effective 1/1/69

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CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11360.1)

30-153 DETERMINATION OF FEASIBILITY FOR EMPLOYMENT  
EDUCATION AND TRAINING (Continued)

30-153

.4 Appropriate Referrals to Work Incentive and Educational Training Programs

The following shall be considered appropriate for participation in WIN and ETP, and referrals shall be made as set forth below for appropriate referrals. WIN referrals shall take precedence and priority over ETP referrals.

.41 AFDC Unemployed Fathers (Federally Eligible)

All federally eligible AFDC-U fathers shall be referred to WIN within 30 days after receipt of the initial aid payment. Federal matching is not available beyond 30 days if the referral is not made.

Interpretation

Where aid has been granted on an immediate need (presumed eligibility) basis, the referral is made at the time eligibility is established, even though this may be more than 30 days after the initial aid payment.

AFDC .5 Cases Not Referred to WIN, Employment or Educational Training Program

No referral will be made to WIN or to the Education Training Program for participation of an individual described in Regulation Section 30-153.4 if the recipient is:

- .57 A mother with children whose participation would be detrimental to her welfare or that of her children, even if she volunteers.

Effective 1/1/69

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

42-217 SOCIAL STUDY AND REPORT

42-217

ATD.1 Required Report and Form

A social study and report shall be completed on Form DA-2, Social Information Report, for all applicants for Aid to the Disabled, except those with one or more of the conditions listed in Section 40-127.27. For these cases, the \_\_\_\_\_ worker need not complete a DA-2, but shall send the medical information (DA-1 and any other medical documentation) to the Disability Review Team. If the medical information fails to document the existence of disability the team shall defer for additional medical and/or social information.

42-225 RESPONSIBILITIES OF THE COUNTY MEDICAL CONSULTANT IN ATD  
DISABILITY DETERMINATION

42-225

ATD

The county medical consultant shall be available to assist social work staff in the following areas:

- a. Determining whether an applicant meets the disability requirement for presumptive eligibility. (See Section 40-127.27, s.)

Effective 1/1/69

CONTINUATION SHEET  
**F.C. FILING ADMINISTRATIVE REGULATION  
 WITH THE SECRETARY OF STATE**  
 (Pursuant to Government Code Section 11380.1)

42-340 UNEMPLOYMENT OF A PARENT

42-340

AFDC .1 Deprivation Due to Unemployment

Deprivation due to unemployment of a parent exists when either parent is:

.11 Not working at all and is available for and seeking employment, or receiving training essential to his future self-support; or

.12 Employed only part time.

.121 Part-time employment is that which:

a. Affords less than 173 hours of paid regular work per month; or

b. Affords less than the number of hours considered by the industry to be full time for the job, as established by the California State Employment Service if under 173 hours.

.2 Federal Participation in Unemployed Parent Cases

Federal participation in aid payments made to unemployed parent cases is limited to cases in which all of the following conditions are met:

.21 The father is unemployed as specified in .11 and .12 above and no other basis of deprivation is applicable for the child.

.22 The father was not receiving Unemployment Insurance Benefits during a week for which AFDC was paid.

.23 The father is currently registered with the Department of Employment as available for employment (see Section 42-405.2).

AFDC

.24 The father has been unemployed for at least 30 consecutive calendar days during which time he has not refused a bona fide offer of employment or training without good cause, as determined (1) in accordance with the criteria in 30-161, and (2) by the Department of ~~EM~~ Employment <sup>and 30-175.7.</sup> or the county welfare department as provided in 30-159. There shall be a determination that an offer was actually made and the father must be given an opportunity to explain why the offer was not accepted.

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 WITH THE SECRETARY OF STATE  
 (Pursuant to Government Code Section 11380.1)

## 44-265 SPECIAL NEED ALLOWANCES FOR AFDC

44-265

- .1 Allowances shall be made for special needs in addition to basic needs in accordance with the following sections, when not available without cost.
- .2 The direct cost to the recipient resulting from a plan of services established in accordance with Section 10-304 may be reimbursed:
  - .21 From administrative funds as a services cost, or
  - .22 Through an allowance for the cost to be met as a special need through the grant, or
  - .23 Through an allowance for part of the cost to be met through the grant and the balance to be met from administrative funds.
- .3 The cost of special needs that do not occur monthly, if paid for through the grant, shall be allowed in a single month or prorated over several months, dependent on plans the family is able to make, the total cost, and the participating base.
- .4 Effective July 1, 1969, Sections 44-265.22 and 44-265.23 shall be inoperative with respect to costs of child care and with respect to service-connected expenses, as described in Section 30-167, of persons engaged in ETP or SRS activities.

## 44-279 SPECIAL NEEDS OF PERSONS ENGAGED IN SRS OR ETP OR SEEKING EMPLOYMENT 44-279

The cost of goods or services (as described in Section 30-167.2) which are essential to enable an individual to participate in an SRS or ETP plan, or to seeking employment, or to <sup>BECOME</sup> ~~becoming~~ engaged in self-employment as part of a plan established with the county welfare department, may be met through the grant. *through 6-30-69.*

Interpretation

For persons engaged in WIN activities, these costs may only be met by administrative funds (see Section 30-167).

Effective 1/1/69

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(Pursuant to Government Code Section 11360.1)

44-281 MEDICAL NEEDS - GENERAL

44-281

AB  
ATD  
OAS  
AFDC

The county shall explore actual and potential medical needs of each recipient and assist in arranging for necessary health care from the appropriate sources.

Regardless of his immediate need, every recipient of a cash grant shall be certified for basic and extended health care under the Medi-Cal program. The specific scope of basic and extended health care available to public assistance recipients and procedures applicable in authorizing vendor payments for such care are set forth in Medical Assistance Regulations. A "recipient" as used herein, includes an eligible person for whom, in the month the medical care is received:

1. A cash grant payment is made; or
2. The cash grant payment is withheld only because of a question concerning the amount of aid to which he is eligible (see Section 44-325.4); and/or
3. The authorized grant is reduced to zero to adjust for an overpayment (see Section 44-335.221 a.), or
- AFDC 4. In AFDC, aid is discontinued for a family in which the parent is employed part-time but is no longer in need (see Section 42-327.42).

44-315 AMOUNT OF AID

44-315

AB  
ATD  
OAS  
AFDC

.1 County Responsibility

The county is responsible for computing the amount of aid payment when:

- .11 Aid is granted or restored;
- .12 A redetermination of eligibility is made;
- .13 There is a change in need, income, or other factors affecting the amount of aid to which the recipient is eligible.
- AFDC .14 A new AFDC cost schedule is issued (in family group cases);
- .15 When verification of pregnancy is received;
- .16 The unborn child is born;
- .17 A child enters another age group.

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Effective 1/1/69



CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

44-315 AMOUNT OF AID (Continued)

44-315

AFDC .5 Determining Amount of Aid and Method of Computing Payment.51 Child Living with Parent or Relative

The amount of aid is determined by first subtracting the family's nonexempt income from total need determined in accord with the Need chapter. The amount of the AFDC payment is the budget deficit, so determined and rounded to the nearest dollar, or the Maximum State Participation Base (see Section 44-313) whichever is less. When the Maximum State Participation Base is less than the budget deficit, the difference may be met by county supplementation.

AFDC .511 Alternate Methods for Computing Payments

The aid payment is to be computed according to whichever of the following basic methods the county selects. The method selected shall apply to all family cases.

- a. Concurrent Payment and Budget Periods - Grant for a particular month based only on income received and needs existing in that month.

Any deficiency in a previous month between total need and the sum of the aid payment and the income is not to be carried forward and allowed as a need in a subsequent month.

- b. Budget Planning with Subsequent Payment - Grant for a particular month based on income received and needs existing and reported before the end of a prior budget planning period. If unforeseen changes in need or income occur, supplemental payment may be made if necessary to protect the child's welfare or local public funds.

The budget planning period may be:

- (1) The month immediately prior to the month of payment; or
- (2) Another monthly period ending in the month immediately prior to the month of payment. The warrant shall be mailed no later than 15 calendar days following the end of the budget planning period.

.512 Payment in Semimonthly Installments

Aid shall be paid semimonthly in equal installments. However, when the family has evidenced continued difficulty in meeting its financial obligations because of payment in equal installments, the county, with the concurrence of the family, shall establish a different proportion of the two installments which best helps the family manage their needs. Criteria for considering a change in the proportion of payments include:

- a. Difficulty in meeting once-a month obligations such as rent or child care, or combinations of such obligations.
- b. Difficulty in participating in the Food Stamp Program.
- c. Difficulty in adjusting to the "other income" pattern of the family to best deploy the resources in relation to meeting the family's total obligations. If major outside income of the family is received during one half of the month, the entire aid payments can be paid in one installment, either on the first or second payment date.

Provision for payment other than in equal installments is intended to require changes in proportion of payments with the emergence of a monetary problem or when there is a major change in the family's financial circumstances. *Effective 1/1/69*

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WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

## 44-325 CHANGES IN AMOUNT OF PAYMENT (Continued)

44-325

AB  
ATD  
OAS  
AFDC

.2 Change in Income or Need.21 Change and Amount Known in Advance

If a change in income or need, including the amount, is known in advance, any necessary change in the amount of payment is made effective with the month in which the changed circumstances will occur.

AFDC .22 Change Known in Advance But Amount Not Known.221 Concurrent Payment and Budget Periods

When it is known that income will start in the next month but the exact amount is not known, or when income is variable in amount, an estimate of the expected income shall be made, on the basis of available information, for the purpose of determining the next current month aid payment. If the estimate indicates ineligibility for any grant, aid may be withheld pending verification of actual income (see Section .421 below). If the estimated income proves to be incorrect when actual income is reported, corrective action is taken to adjust the payment within the limitations of PSS Sections 44-331 and 44-335.

.222 Budget Planning Period with Subsequent Payment Period

Actual income received in the Planning Period is reported and reflected in the subsequent payment.

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 FOR FILING ADMINISTRATIVE REGULATIONS  
 WITH THE SECRETARY OF STATE  
 (Pursuant to Government Code Section 11380.1)

42-211 MEDICAL EVIDENCE (Continued)

42-211

ATD

.11 Where mental retardation or psychoneurotic or psychotic behavior is indicated as a major cause of disability, the county shall secure psychological or psychiatric examinations as needed.

Whenever medical reports indicate mental retardation of such a degree that the applicant is unable to guard against common dangers, is in need of care and supervision or is so retarded that he cannot be properly tested, the psychological examination may be omitted unless requested by the State Review Team. Conversely, when an evaluation by a qualified psychologist shows the applicant is too retarded to be tested or has a full scale IQ under 50, the medical examination report (DA-1) may be omitted. In these instances the psychological report may be submitted in lieu of the medical report. Whenever the medical or psychological examination fails to give a clear picture of the severity of the impairment, the Disability Review Team may require additional medical or social information. (See Regulations 40-127.27 and 42-217.1.)

42-213 MEDICAL REPORTS (PHYSICAL OR PSYCHIATRIC EXAMINATIONS)  
(Continued)

42-213

ATD .2 Psychiatric Report

.212 When the applicant is on leave from a state hospital:

- a. The DA-1A and supplementary social information shall be obtained from the local office of the Community Services Division, unless the applicant meets one of the conditions listed in Regulation 40-127.27 in which case the DA-2 may be omitted. This social information, when requested by the Disability Review Team may be appended to or incorporated into the body of the DA-2 by the county worker.

42-215 PSYCHOLOGICAL REPORTS

42-215

ATD

A report from a qualified clinical psychologist is required in cases of mental deficiency unless otherwise specified. See Section 42-211.11 for waiver of this report.

Effective 1/1/69

CONTINUATION SHEET  
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WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

44-323 PAYMENTS FOR CHILDREN IN BOARDING HOMES AND  
INSTITUTIONS (Continued)

44-323

AFDC

.4 Child Removed From His Home by Court Determination

.41 Criteria for Federal Participation

Federal participation in the cost of foster care payments is available for children in foster care when the following conditions are met:

.412 In the month during which the court proceedings are initiated:

a. The child is receiving AFDC, or

b. The child was living with and was removed from the home of a relative as specified in Section 44-213 (a., b. or c.) and would have received AFDC if an application had been made, or

c. The child had been living with a relative as specified in Section 44-213 (a, b or c) within the six months prior to initiation of court proceedings, and the child would have received AFDC in or for such month in which court proceedings were initiated had the child still been living with (and removed from the home of) such relative, and had application been made for AFDC.

Effective 1/1/69

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
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## DIVISION 45 SPECIAL PROVISIONS

AB  
APSB  
ATD  
OAS

CHAPTER 45-100 SPECIAL PROVISIONS FOR MEETING UNMET SHELTER NEEDS OF  
OAS, AB, APSB AND ATD RECIPIENTS

## 45-101 PURPOSE

45-101

The purpose of the special regulations set forth herein is to establish a means of meeting, on a limited and short-term basis, certain critical shelter needs of OAS, AB, APSB and <sup>cash grant</sup> ATD recipients which could not otherwise be met.

## 45-103 STATUTORY BASIS FOR THESE SPECIAL REGULATIONS AND INTERPRETATION 45-103

Chapter 1 (SB 8) adopted by the State Legislature during the First Extraordinary Session of the 1968 Legislature includes the following provision which, as the result of an urgency clause, became effective immediately upon signature of the bill by the Governor.

"Section 33.5 (a) - Notwithstanding the provisions of Section 21 of this Act, which disqualify a recipient of public assistance under the Senior Citizens Property Tax Assistance Law, the sum of one million dollars (\$1,000,000) from Item 309 of the Budget Act of 1968 shall be allocated by the Controller to the State Department of Social Welfare to meet the unmet shelter needs of public assistance recipients."

The one million dollar transfer of state funds provided by this legislation will result in approximately two million, three hundred thirty-three thousand dollars (\$2,333,000) of additional money available for meeting designated unmet shelter needs of public assistance recipients during the balance of the fiscal year ending June 30, 1969 (\$1,000,000 state, \$166,500 county and \$1,166,500 federal).

Because this additional money is limited in amount and is available only for this fiscal year, it will be utilized to meet critical short-term and otherwise unmet shelter needs of OAS, AB, APSB and ATD recipients only.

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 (Pursuant to Government Code Section 11380.1)

45-103 Continued

To help assure that expenditures under these special provisions do not exceed the additional funds which have been made available and at the same time assure that recipients with critical unmet shelter needs receive as nearly equal consideration as possible, without regard to where they live in the state,

an initial allocation of the state money will be made which includes a minimum allocation of \$2,500 to each county plus an additional amount based on the percentage of the total OAS, AB, APSB and ATD recipients in the county.

A small portion of the possible \$1,000,000 state money will be retained by the state for allocation to counties which expend or otherwise encumber their total original

allocation and are in need of a supplemental allocation to cover identified critical shelter needs.

Information concerning the allocation of funds to each county and claiming procedures will be released in a circular letter.

## 45-105 CRITICAL SHORT-TERM SHELTER NEEDS

45-105

Critical short-term shelter needs within the meaning of these special regulations are emergency needs related to shelter of the recipient which, if not met, will, in the judgment of the county, result in the recipient's loss of otherwise adequate housing or in the recipient's remaining in inadequate, unsafe, or otherwise substandard housing.

The county will in its judgment, determine what constitutes a critical unmet shelter need and will authorize special payments to meet such needs, subject to the limitations set forth in this section and in Section 45-107.

In making judgments as to "critical shelter needs" counties should, whenever possible, use a housing coordinator position on the county staff or other staff position with such specialized responsibility. The coordinator or other staff person should, in turn, work with local housing code enforcement agencies in the determination of priority situations. Further consultation, if needed, may be requested from the State Department of Housing and Community Development.

Situations involving "critical shelter needs" for which special payments under these regulations might be appropriate include but are not limited to the following:

.1 Recipient in Rental Property

- .11 Housing is unsafe or unsanitary or for other reasons does not meet the recipient's need and a special payment will enable the recipient to move to adequate housing.

.111 The special payment might be to cover (a) moving costs, particularly for the ATD recipient for whom special need allowance for moving is not available, or (b) a lump-sum payment for use by the recipient who must make a large initial rental or lease payment, cleaning fee, etc., in order to obtain adequate housing which he will be able to pay for on a continuing basis from his grant and other income.

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45-105 (Continued)

- .12 The recipient is seriously disabled and is in need of special equipment or construction, i.e., hand rails, ramp, etc., which it is unreasonable to expect the landlord to install without an added payment.

.121 *In such cases, a special payment made under these regulations to the recipient enables him to pay the landlord to install the needed equipment or for the recipient, with the permission of the landlord to arrange to have such equipment installed.*

.2 Recipient Owns Home in Which He Lives

- .21 Repairs of the home are required to make it habitable and the cost of such repairs cannot be met within usual special need allowances. \*

.211 *In allowing special payments under this section, (45-105.21) priority should be given to recipients who have not received a substantial special need allowance for housing repairs within the past year.*

(a) Vendor payment(s), not to exceed a total of \$500 on any home, may be made when all of the conditions set forth below are met:

(1) Prior to making any expenditures, the home is evaluated and the following determinations are made by the county:

(A) The home is so defective that continued occupancy is not safe or is not healthful.

(B) The property is worth repairing.

(C) Unless repairs are made the recipient will need to move.

(D) It appears probable the recipient will be able to continue living in the home following its repair.

(E) Total cost to the recipient for adequate alternative housing over a two year period would exceed the following combined costs:

(i) The cost of repairs needed to make the home habitable, plus

(ii) Other probable costs of continued occupancy of such home during a two year period, i.e., encumbrance payments, taxes, assessments, minor up-keep and insurance.

(2) Expenditures for repairs are authorized in writing by a responsible person in the county department, records show the eligible person in whose behalf the home repair expenditure was made and there is sufficient evidence the repair was performed.

(3) Expenditures for repairs under these special provisions are not allowed more than once in relation to any one home.

- .22 Loss of home is imminent because tax, encumbrance, assessment, etc., payments are delinquent.

A special payment might be made in such case, if it would save the recipient's home and would not duplicate a grant allowance already made.

\* The limitations set forth in this section are based on specific federal requirements and must be observed if payment is to be made for home repairs under these special provisions.  
 Effective 12/1/68

CONTINUATION SHEET  
**FOR FILING ADMINISTRATIVE REGULATIONS  
 WITH THE SECRETARY OF STATE**  
 (Pursuant to Government Code Section 11380.1)

45-105 (Continued)

**.3 Recipient in Rental or Owned Property**

Basic shelter allowance is insufficient to meet housing costs.

The funds made available under these special provisions may be used to supplement a basic housing allowance only in an emergency and then only for a period not to exceed three months.

**45-107 GENERAL LIMITATIONS AND REQUIREMENTS**

45-107

**.1 Special Procedures, Controls and Records**

- .11 Procedures will be established by the counties to assure that the funds allocated under these special provisions are being made available promptly and equitably for the purposes intended and for the benefit of those in greatest need. Other assets of the recipient from which the need might be met shall be evaluated and taken into consideration in determining "those in greatest need."
- .12 Controls will be established by the county so that the state share of the amounts authorized, encumbered, and paid is within the funds allocated to the county.
- .13 Procedures will be established by the county to assure that all payments under these provisions are made or authorized or that an appropriate encumbrance is established on or before June 30, 1969.
- .14 The county will maintain records showing the individual recipients to whom or on whose behalf payments under these special provisions are authorized, the purpose of the payments, the basis for the determination of critical unmet need, and the total amount of the payments to or for the individual recipient. Vendor invoices will be retained when vendor payments are made. The county will retain this information in accordance with the applicable retention schedule.

**.2 Special Provisions Governing Payments and Authorizations**

- .21 All payments made under these special provisions will be made as money payments to the recipients and are subject to the general statutes and regulations governing the aid program under which the recipient is receiving assistance, i.e., OAS, AB, APSB or ATD except that:
  - .211 Payments made to or on behalf of a recipient under these special provisions are not for the OAS, AB or APSB recipient, subject to the statutory grant maxima provided in W&IC Sections 12151, 12651 and 13101, nor are they to be included in determining the average ATD grant as provided in Section 13700.
  - .212 Payments for home repairs as provided in Section 45-107.21 above will be made as vendor payments on behalf of the recipient.
- .22 Payments under these special provisions will be authorized as OAS, AB, APSB or ATD payments depending on the assistance program under which the recipient is receiving aid.
- .23 Because of the current short-term availability of this appropriation and the necessity to implement the program immediately, the authorization and payment procedures will be separated from all other payments.

Effective 12/1/68

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WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

45-107 (Continued)

.24 Payments under these special provisions will be authorized separately in the same manner as aid payments.

Counties may select the option of either authorizing as a separate entry on the regular authorization document (278L or equivalent) or making a separate authorization document for these payments only.

In either event "S.S.P." (Special Shelter Payment) shall be clearly indicated in the "Effective Month" column. The action document (278M or equivalent) will be routed through channels for processing and payment from S.S.P. funds.

.25 Federal, state and county participation in payments made under the provisions of this chapter will be on the same sharing formula as regular aid payments for the appropriate aid program.

45-109 EXPIRATION DATE CHAPTER 45-100

45-109

The regulations in this Chapter 45-100 expire June 30, 1969, unless extended or recodified.

Effective 12/1/68

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CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

FINDING OF EMERGENCY

The addition of Chapter 45-100 to the regulations of the State Department of Social Welfare constitutes an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code.

The following facts constitute the emergency:

1. The addition of Chapter 45-100 implements the provisions of Chapter 1, Statutes of 1968, First Extraordinary Session, passed as an urgency measure to become effective at once.
2. This Act provided for the transfer of \$1,000,000 to the State Department of Social Welfare to be used in meeting unmet shelter needs of public assistance recipients during the fiscal year ending June 30, 1969.
3. The period of time for the utilization of these funds is so limited that the counties must be afforded a maximum amount of time to carry out the legislative intent to use the funds appropriated to improve housing conditions of public assistance recipients.
4. Maximum utilization of these funds will result in securing federal participation in this program to the extent of approximately \$1,166,500.
5. Any failure to obtain maximum utilization of these funds and to secure maximum federal participation would, therefore, necessarily have an adverse effect on the public health, safety and general welfare of the people of the state.

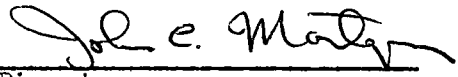
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(Pursuant to Government Code Section 11380.1)

CERTIFICATE OF COMPLIANCE  
Under Sec. 11422.1 Government Code

I hereby certify that prior to the adoption of the emergency regulations set forth below Sections 11423, 11424 and 11425 of the Government Code were complied with:

Chapter 45-100 filed with Secretary of State December 2, 1968

  
Director

November 29, 1968

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(Pursuant to Government Code Section 11300.1)

44-207 MINIMUM NEEDS OF RECIPIENT IN INDEPENDENT LIVING ARRANGEMENT -  
OWN HOME (Continued)

44-207

AB | .2 Special Provisions Governing Allowances for Housing  
ATD  
OAS

.21 Exceptions to Maximum Allowances for Housing

.211 Temporary Waiver

When the cost of the combined housing and utilities (or the recipient's share) exceeds the maximum basic allowance the actual cost shall be allowed for a period not to exceed three months to enable the recipient to make some other plan such as moving to cheaper housing or to housing which would require less expenditure for utilities, to refinance his home, etc.

- (a) If the present housing provides a familiarity with surroundings deemed essential to the continued well-being of the blind occupant; or if the present cost for housing actually covers essential personal services to the blind occupant, an exception may be made to the maxima for housing.

.212 Nonprofit Publicly Financed Housing for the Aged

Maximum allowances for housing and utilities may be increased up to 20%, i.e., to \$54 for shared housing and to \$75 for unshared housing provided the housing is rental housing especially constructed for the aged, is operated on a non-profit basis and is publicly financed.

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Effective 12/1/68  
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FACE SHEET  
 FC      ILING ADMINISTRATIVE REGULA      VS  
 WITH THE SECRETARY OF STATE  
 (Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

DEC 2 - 1968

Office of Administrative Procedure

**ENDORSED**APPROVED FOR FILING  
(GOV. CODE 11380.1)

DEC 2 - 1968

Office of Administrative Procedure

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE

(Agency)

Dated: November 29, 1968

By: John E. Monte

Director

(Title)

**FILED**In the office of the Secretary of State  
of the State of California

DEC 2 - 1968

At 11:40 o'clock a.m.

FRANK M. JORDAN, Secretary of State

By: [Signature]  
Assistant Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

**40388. BUILDING REQUIREMENT FOR HEALTH  
 FACILITIES WHICH APPLY FOR A LICENSE TO CONDUCT  
 A BOARDING HOME FOR AGED PERSONS.**

Any health facility currently licensed by the Department of  
 Public Health or the Department of Mental Hygiene which  
 applies for a license from the Department of Social  
 Welfare shall be exempt from the building requirements  
 other than fire safety and sanitation  
 of this article until July 1, 1970, with respect to the  
 portions of the building(s) previously licensed by either  
 of these departments.

By July 1, 1970, boarding homes previously licensed as  
 health facilities by another state agency shall comply  
 with all current building requirements for boarding homes  
 for the aged.

Before the licensed capacity of any facility previously licensed  
 as a health facility may be increased above the number of persons  
 cared for under the most recent license issued by the Department  
 of Public Health or the Department of Mental Hygiene, the entire  
 facility shall conform to all current building requirements of this  
 article.

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(Pursuant to Government Code Section 11380.1)

42166. BUILDING REQUIREMENTS FOR HEALTH FACILITIES WHICH  
APPLY FOR A LICENSE TO CONDUCT AN INSTITUTION FOR AGED PERSONS.

Any health facility currently licensed by the Department of Public  
Health or the Department of Mental Hygiene which applies for a  
license from the Department of Social Welfare shall be exempt  
from the building requirements of this article other than fire  
safety and sanitation until July 1, 1970.

By the above date such health facilities shall comply with all  
current building requirements of this article.

Before the licensed capacity of any facility previously licensed  
as a health facility may be increased above the number of persons  
cared for under the most recent license issued by the Department of  
Public Health or the Department of Mental Hygiene, the entire  
facility shall conform to all current building requirements of  
this article.

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## FOILING ADMINISTRATIVE REGULATIONS WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

DEC 24 1968

Office of Administrative Procedure

ENDORSED

APPROVED FOR FILING  
(GOV. CODE 11380.1)

DEC 24 1968

Office of Administrative Procedure

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: December 23, 1968

By: 

Director

(Title)

FILED

In the office of the Secretary of State  
of the State of California

DEC 24 1968

At 4:00 P. M.

FRANK M. JOHNSON, Secretary of State

By:   
Assistant Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

42-340 UNEMPLOYMENT OF A PARENT

42-340

AFDC

.1 Deprivation Due to Unemployment

Deprivation due to unemployment of a parent exists when either parent is:

- .11 Not working at all and is available for and seeking employment, or receiving training essential to his future self-support; or
- .12 Employed only part time.
  - .121 Part-time employment is that which:
    - a. Affords less than 152 hours of paid regular work per month; or
    - b. Affords less than the number of hours considered by the industry to be full time for the job, as established by the California State Employment Service if under 152 hours.

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FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

FINDING OF EMERGENCY

The revisions of the regulations of the State Department of Social Welfare contained in Section 42-340.121 of the Public Social Services Manual are emergency measures necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code.

The following facts constitute the emergency:

1. Current Federal regulations preclude, effective January 1, 1969, payment of AFDC on behalf of children whose father is employed 35 hours or more a week. The regulations formerly permitted employment up to 40 hours a week.
2. Current departmental regulations do not conform to all of these Federal requirements.
3. A failure to revise this regulation operative as of January 1, 1969, in such a manner as to make them an acceptable part of the "California State Plan" on file with the Department of Health, Education, and Welfare of the United States under Title IV of the Social Security Act will jeopardize the eligibility of the State of California for substantial Federal contributions.
4. The loss of Federal funds will necessarily have an adverse affect on the public health, safety and general welfare of the people of this State.

The revisions of the regulation described above must, therefore, be adopted as an emergency measure effective January 1, 1969.

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FOR FILING ADMINISTRATIVE REGULATIONS  
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(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

DEC 31 1968

Office of Administrative Procedure

ENDORSED

APPROVED FOR FILING  
(Gov. Code (1959, 2))

DEC 31 1968

Office of Administrative Procedure

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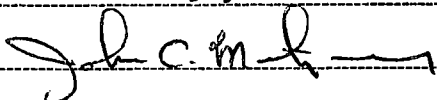
Copy below is hereby certified to be a true  
and correct copy of regulations adopted, or  
amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE

(Agency)

Dated: December 30, 1968

By:



Director

(Title)

FILED

In the office of the Secretary of State  
of the State of California

DEC 31 1968

At 11:10 O'Clock

FRANK M. JORDAN, Secretary of State

By:

Assistant Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

10-203 STAFFING STANDARDS (CONT.)

10-203

.8 Use of Volunteers

.81 The county shall provide effective July 1, 1969, for the recruitment and utilization of volunteers, including senior citizens and young people wherever feasible, in the provision of services and assisting appropriate advisory committees. The county's plan for the use of volunteers shall be approved by resolution by the Board of Supervisors as required in W&I Code 10616.

.82 Administrative standards and policies in the use of volunteers shall be part of the county plan. The county plan shall:

.821 Assign responsibility for the volunteer program to a specific staff member. Counties too small to establish a full-time position may assign the function to a social service supervisor or to a social worker. In the latter event, appropriate time shall be reserved for the administration of this program.

.822 Define the nature and purpose of the services to be provided by volunteers and identify the persons or groups to be served.

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10-203 STAFFING STANDARDS (CONT.)

10-203

- .823 Establish procedures for recruitment, selection, training, and assignment of volunteers.
- .824 Assure that volunteer services are used to supplement and not to substitute for the services of employed staff.
- .825 Integrate the volunteer services program as a part of the agency.
- .826 Provide for reimbursement of expenses of volunteers as appropriate. (Fiscal Manual 25-852.306(2))
- .827 Provide safeguards which shall maintain confidentiality; protect the recipient's right to privacy; and assure the recipient's right to accept or refuse the use of volunteers.
- .828 Provide for a periodic review of the continuing need and suitability of the volunteer activity in each case when volunteers are assigned to an individual case.
- .829 Provide for utilization and coordination with other public and voluntary agencies which furnish similar services.

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10-051 REQUIRED SERVICE PROGRAMS - ALL COUNTIES

10-051

Each county welfare director shall make provision in the county plan and budget for all of the following services to be available in accordance with applicable definitions and standards:

.2 Protective Services

- .21 For adults, to remove or prevent danger resulting from unsafe or hazardous living conditions, neglect or exploitation, or limitations in the individual's ability to act in his own behalf or to manage his own affairs. (See Chapter 30-050.)
- .22 For children, to protect neglected, abused, exploited, or potentially delinquent children by providing social services to preserve the children's own home, wherever possible, or if this is not possible, by providing adequate substitute care, thereby reducing or forestalling the need for action by law enforcement agencies.

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10-072 FORMER AND POTENTIAL RECIPIENTS OF CATEGORICAL PUBLIC ASSISTANCE

10-072

.1 Definitions

.11 A "former recipient" is a person who received categorical public assistance within the preceding 24 months.

.12 A "potential recipient" is a person or family:

.121 Who is currently receiving categorical public assistance although federally ineligible, who is certified for MN - Medical Assistance to the Medically Needy; or

.122 Who would be eligible for AFDC if the earnings exemption applied; or

.123 Who is considered by the county welfare department, for reasons described in the county plan, as likely to become a recipient of public assistance within five years; or

.124 Who is at or near the dependency level, including

a. Those who live in low-income neighborhoods served by a state service center or in a comparable neighborhood described in the county's plan, and

b. Those who belong to a defined group, (e.g., migrants and persons on leave of absence from state hospitals) in which recipients are heavily represented when services are provided to such an identified group on a group basis.

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30-050 PROTECTIVE SERVICES FOR ADULTS

30-051 OBJECTIVES

30-051

To remove or prevent danger resulting from unsafe or hazardous living conditions, neglect or exploitation, or limitation in the individual's ability to act in his own behalf or to manage his own affairs (see Section 10-051.2).

30-053 PROGRAM EMPHASIS

30-053

Protective services for adults require intensive activity by the social worker and collaborative work with other fields such as medicine, psychiatry, law enforcement and judiciary. The complexity of these cases and the interrelationship with other disciplines indicate the need for specialized caseloads. Where possible counties *will* experiment with smaller caseloads, consultation from experts, and specialized training for staff carrying protective and supportive cases, *and will develop means* to evaluate the effectiveness of this experimentation.

30-055 AGENCY RESPONSIBILITY

30-055

The welfare department shall provide protective and supportive services for adults who cannot or will not act for themselves to correct or prevent conditions which threaten their lives, health, or well-being.

The person's situation and decision-making ability shall determine how the agency shall proceed. Appropriate supportive and protective services shall be provided on request, by referral or by initiation of the welfare department. The person's right of decision shall be respected, *and* all efforts shall be made to secure his cooperation, but where necessary, mandatory intervention shall take place. Where the person is in jeopardy and will not or cannot act in his own behalf and refuses corrective services, referral shall be made for legal determination.

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## 30-055 AGENCY RESPONSIBILITY (Continued)

30-055

To meet a crisis, arrest a reversible situation or provide comfort and reassurance, supportive and protective services shall include and be used as needed: counseling, homemakers, volunteers, medical and psychiatric diagnosis and treatment, money management, housing, legal advice, out-of-home care and referral to appropriate legal authority. Such agency or community resources shall be progressively utilized as they become available.

The welfare department occupies a pivotal position in bringing a wide variety of resources to bear and in the absence of others performing this function shall coordinate these resources.

## 30-057 PERSONS TO BE SERVED

30-057

The county welfare department shall provide protective and supportive services to the extent necessary for eligible individuals who cannot meet their own needs because of frailty, handicap, isolation, or impaired judgment and who are:

- .1 Living in conditions which present a health or safety hazard.
- .2 Being deprived of adequate food, clothing, or shelter due to inability to manage or because of abuse or exploitation by others.
- .3 Not obtaining or utilizing needed medical or psychiatric care.
- .4 Unable to perform activities of daily living in own home.
- .5 Unable to arrange for necessary out-of-home care.

## 30-059 PROVISIONS FOR PROTECTIVE SERVICES FOR ADULTS

30-059

- .1 Planning and decisions shall be made with the person to the fullest extent of his ability.
- .2 Relatives, friends, and other concerned persons shall be involved by the welfare department when this is in the best interest of the individual.
- .3 Resources of other public and voluntary agencies and individuals, groups and organizations shall be utilized.
- .4 Provision shall be made for 90-day agency review of cases receiving protective and supportive services to determine continuing need for these services unless the agency has designated the case for long-term service.

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## CHAPTER 30-100 PROTECTIVE SERVICES FOR CHILDREN

30-101 OBJECTIVES 30-101

To protect neglected, abused, exploited, or potentially delinquent children by providing social services to preserve the children's own home, wherever possible, or if this is not possible, by providing adequate substitute care, thereby reducing or forestalling the need for action by law enforcement agencies.

30-102 PROGRAM EMPHASIS 30-102

Protective services to children is a specialized social service generally characterized by referrals from third parties where casework and ancillary services are given in a critical situation because the physical, emotional or intellectual growth and welfare of a child is in jeopardy and where the focus is to reach out to alleviate immediate danger to the child.

30-103 PERSONS SERVED 30-103

- .1 Child protective services shall be extended regardless of family income to children who may be in need of protection because they:
  - .11 are being neglected, exploited, or abused, either physically or emotionally; or
  - .12 are being damaged by the conduct of parents, guardians, or custodians, whether willfully or otherwise; or
  - .13 are without parents, proper guardianship, or custody.
- .2 Effective dates for implementation of this requirement are:
  - .21 Immediately for AFDC recipients. (See 10-071)  
By no later than
  - .22 July 1, 1970 for former and potential AFDC recipients.  
(See 10-072.223)  
By no later than
  - .23 July 1, 1975 for all children in need of such services regardless of income. (See 10-073.2)

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30-104 AGENCY RESPONSIBILITY

30-104

- .1 Plans for protective services to children shall be included, for certification by the SDSW, in the county welfare department's overall service plan. (See Section 10-207.)
- .2 The county welfare department shall receive every referral from a public or private agency or from any person having reasonable cause to believe that the welfare of a child is endangered, shall assess its appropriateness, and shall take whatever action is considered necessary to protect the child and correct the situation.
- .3 The county welfare department shall arrange with law enforcement and other community agencies for making appropriate referrals and for developing cooperative remedial efforts for the protection of children.
- .4 No child shall be removed from his home by the county welfare department without parental consent or an order from the court.
  - .41 In counties in which there is an agreement with law enforcement officials, whenever a child is found alone but not in danger, placement may be made by a county worker and followed immediately by notification to such officials that such action has been taken.
- .5 Services shall be given on a voluntary basis except where the well-being of the child indicates need for immediate referral to law enforcement agencies. (See Section 10-303.4.)
- .6 Protective Services shall be provided 24 hours a day, seven days a week.
  - .61 Effective immediately, the <sup>welfare department</sup> county/shall arrange for emergency response to community requests for service made after office hours and during week ends and holidays.
  - .62 As soon as administratively possible, and by no later than July 1, 1971, the <sup>welfare department</sup> county/shall provide protective social services after office hours and during week ends and holidays.

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**30-104 AGENCY RESPONSIBILITY** *(Continued)*

30-104

welfare department

- .7 The county/ shall make provision for emergency shelter care for those children in need of such care.

welfare department

- .8 Provision shall be made for county/ review of the services plan for each child at approximately 90-day intervals to determine whether the child should continue to receive services in the specialized protective services unit.

- .9 The county welfare department shall make provision for the progressive implementation of necessary supportive services such as day care, homemaker services, foster care and emergency medical care.

**30-105 AGENCY STRUCTURE**

30-105

- .1 Protective services for children shall be provided through a specialized staff structure as soon as administratively possible, but not later than July 1, 1969.

- .2 Where feasible, county welfare departments shall develop specialized units.

- .21 A unit consists of a supervisor and <sup>an average of</sup> not more than five case-carrying workers plus ancillary staff used in the protective service function.

- .22 Ancillary staff includes but is not limited to case aides, homemakers, medical, psychiatric, and casework consultants.

- .3 Two or more counties on approval from SDSW may establish joint specialized child protective services units.

- .4 In counties where the caseload does not justify a specialized unit, protective services shall be provided through specialized caseloads.

- .5 In counties where the caseload does not justify one full-time caseworker assigned to the protective services function, the method for providing the function shall be developed jointly with the SDSW and incorporated in the county's overall service plan.

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30-106 STAFFING STANDARD

30-106

The MSW degree or its equivalent is the educational standard for professional social work staff providing child protective social services.

.1 Supervisory Staff

The county shall meet the education and experience standards defined in WPS REGULATIONS 12-853.31 and <sup>12</sup>853.32 for all supervisory personnel. A county which is unable to meet these standards may document this in the county plan which, on state approval, shall constitute waiver of the requirement for the current year. Individual waivers may be provided by the SDSW during the period following acceptance of the plan to a county which provides documentation that it is currently unable to meet the standards.

.2 Casework Staff

The county shall meet the educational standard of an MSW or its equivalent as defined in WPS Regulations 12-836.32 for 50 percent or more of the caseworker staff. The non-MSW staff shall be at the SW III class or its equivalent as defined in WPS Regulation 12-833.31 and <sup>12</sup>833.32 except where prior approval has been given in the county plan for broader differential use of non-MSW staff. A county which is unable to meet these standards may document this in the county plan which, on state approval, shall constitute waiver of the requirement for the current year. Individual waivers may be provided by the SDSW during the period following acceptance of the plan to a county which provides documentation that it is currently unable to meet these standards.

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**30-107 CASELOAD STANDARDS**

30-107

The county welfare department shall establish differential caseloads for families and children receiving protective social services.

The caseload standard for the specialized protective service program is an average of 20 ongoing cases per worker at any one time. Counties which are not able to meet the standard initially may request from the SDSW a temporary waiver of the standard. The standard must be met by July 1, 1971.

.1 The caseload standard shall not be cause for refusing to investigate and take initial action to protect the child who is in jeopardy.

**30-108 STAFF DEVELOPMENT**

30-108

The staff development plan submitted by the county under Staff Development Sections 600 and 610 shall make provision for special induction and continuing training to the staff providing child protective services.

**30-109 FINANCING**

30-109

.1 Personnel

.11 Protective services to children of families receiving public assistance or children of former and potential recipient families shall be reimbursed from public assistance funds. (See Fiscal Section 25-852.30.)

.12 Protective services to children in nonaided, nonlinked-to-public-assistance families in counties with an approved plan shall be reimbursed from child welfare services funds at the AFDC services reimbursement rate. (See Section 10-219.2)

.2 Other Costs

The same rule shall apply to reimbursement for ancillary staff, emergency shelter care expense and administrative expenses necessary to support the provision of specialized protective services.

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**DIVISION 45 SPECIAL PROVISIONS**

**CHAPTER 45-120 SPECIAL PROVISIONS FOR MEETING UNMET SHELTER NEEDS OF AFDC RECIPIENTS.**

**45-121 PURPOSE**

45-121

The purpose of the special regulations set forth herein is to establish a means of meeting, on a limited and short-term basis, certain critical shelter needs of AFDC cash-grant recipients which could not otherwise be met.

**45-123 STATUTORY BASIS FOR THESE SPECIAL REGULATIONS AND INTERPRETATION**

45-123

Chapter 1 (SB8) adopted by the State Legislature during the First Extraordinary Session of the 1968 Legislature includes the following provision which became effective upon signature of the bill by the Governor and the passage of Proposition 1 A by the electorate.

"Section 33.5 (b) Notwithstanding the provisions of Section 3 of this act which disqualify a recipient of public assistance for the homeowner's property tax exemption, the sum of five hundred thousand dollars (\$500,000) from the Homeowner's Property Tax Relief Fund shall be allocated by the Controller to the State Department of Social Welfare to meet the unmet shelter needs of public assistance recipients."

The \$500,000 dollar transfer of state funds provided by this legislation will result in approximately one million, four hundred and sixty-four thousand dollars (\$1,464,000) of additional money available for meeting designated unmet shelter needs of public assistance recipients during the balance of the fiscal year ending June 30, 1969 (\$500,000 State; \$265,300 County; and \$698,700 Federal).

Because this additional money is limited in amount and is available only for this fiscal year, it will be utilized to meet critical short-term and otherwise unmet needs of AFDC recipients only.

To help assure that expenditures under these special provisions do not exceed the additional funds which have been made available and at the same time assure that recipients with critical unmet shelter needs receive as nearly equal consideration as possible, without regard to where they live in the state, an initial allocation of the state money will be made which includes a minimum allocation of \$500 to each county plus an additional amount based on the ratio

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45-123 STATUTORY BASIS FOR THESE SPECIAL REGULATIONS AND INTERPRETATION 45-123  
 (Continued)

of AFDC cases, excluding BHI children, to the statewide AFDC caseload. A small portion of the \$500,000 State money will be retained by the State for possible allocation to counties which expend or otherwise encumber their total original allocation and are in need of a supplemental allocation to cover identified critical shelter needs.

Information concerning the allocation of funds to each county and claiming procedures will be released in a circular letter.

45-125 CRITICAL SHORT-TERM SHELTER NEEDS

45-125

Critical short-term shelter needs within the meaning of these special regulations are emergency needs related to shelter of a family which, if not met, will, in the judgment of the county, result in the loss of otherwise adequate housing for the family or in the family remaining in inadequate, unsafe, or otherwise substandard housing.

The county will in its judgment, determine what constitutes a critical unmet shelter need and will authorize special payments to meet such needs, subject to the limitations set forth in this section and in 45-127.

In making judgments as to "critical shelter needs" counties should, whenever possible, use a housing coordinator position on the county staff or other staff position with such specialized responsibility. The coordinator or other staff person should, in turn, work with local housing code enforcement agencies in the determination of priority situations. Further consultation, if needed, may be requested from the State Department of Housing and Community Development.

Situations involving "critical shelter needs" for which special payments under these regulations might be appropriate include but are not limited to the following:

**.1 Family in Rental Property**

.11 Housing is unsafe or unsanitary or for other reasons does not meet the family's need and a special payment will enable the family to move to adequate housing.

.111 The special payment might be to cover such costs as (a) moving costs, (b) required utility deposits, (c) first and last months' rental or leasing costs, (d) cleaning fees, (e) where clearly required, essential appliances needed in the new rental unit, etc., in order to obtain adequate housing which they will be able to pay for on a continuing basis from the grant and other income.

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45-125 CRITICAL SHORT-TERM SHELTER NEEDS (Continued)

45-125

.112 The special payment for shelter might also be used for down payments, closing costs, real estate fees, and other costs entailed in property acquisition up to a maximum of \$500 if:

- a. The property is a suitable home for the family.
- b. Approval can be obtained for a FHA, Veterans Administration, or other governmental or conventional loan.
- c. The usual safeguards are observed prior to transfer, i.e., building inspection, property search, termite inspection, etc.
- d. The total monthly amount for payments on the principal, INTEREST, INSURANCE AND MINOR MAINTENANCE, taxes and other liens on the property, is not substantially in excess of the cost of rental or leased housing that would be available for the family.
- e. The family can qualify as a transferee for the encumbrance on the property or approval of a renegotiated loan as set forth in "b." above.

.12 A member of the family is seriously disabled and is in need of special equipment or construction, i.e., hand rails, ramp, etc., which it is unreasonable to expect the landlord to install without an added payment.

.121 In such cases, a special payment made under these regulations to the family enables them to pay the landlord to install the needed equipment or for the family, with the permission of the landlord, to arrange to have such equipment installed.

.2 Family Owns Home in Which It Lives

- .21 Repairs of the home are required to make it habitable and the cost of such repairs cannot be met within the aid payment. \*

The limitations set forth in this section are based on specific federal requirements and must be observed if payment is to be made for home repairs under these special provisions.

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 (Pursuant to Government Code Section 11380.1)

45-125 CRITICAL SHORT-TERM SHELTER NEEDS (Continued)

45-125

.211 In allowing special payments under the above section, priority should be given to families who have not received a substantial special need allowance for housing repairs within the past year.

a. Vendor payment(s), not to exceed a total of \$500 on any home, may be made when all of the conditions set forth below are met:

(1) Prior to making any expenditures, the home is evaluated and the following determinations are made by the county:

- (a) The home is so defective that continued occupancy is not safe or is not healthful.
- (b) The property is worth repairing.
- (c) Unless repairs are made the family will need to move.
- (d) It appears probable the family will be able to continue living in the home following its repair.
- (e) Total cost to the family for adequate alternative housing over a two year period would exceed the following combined costs:
  - (i) The cost of repairs needed to make the home habitable, plus
  - (ii) Other probable costs of continued occupancy of such home during a two year period, i.e., encumbrance payments, taxes, assessments, minor upkeep and insurance.

(2) Expenditures for repairs are authorized in writing by a responsible person in the county department, records show the eligible family in whose behalf the home repair expenditure was made and there is sufficient evidence the repair was performed.

(3) Expenditures for repairs under these special provisions are not allowed more than once in relation to any one home.

.22

Loss of home is imminent because tax, encumbrance, assessment, etc., payments are delinquent.

A special payment might be made in such case, if it would save the family's home and would not duplicate a grant allowance already made.

### .3 Recipient in Rental or Owned Property

Basic shelter allowance is insufficient to meet housing costs or the family has been unable to meet housing costs because the grant is limited to the MPB.

Effective 1/1/69

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
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(Pursuant to Government Code Section 11380.1)

45-125 CRITICAL SHORT-TERM SHELTER NEEDS (Continued)

45-125

The county welfare department may make a finding of exceptional emergency and crisis with respect to shelter needs which are beyond the reasonable control of individual families and may authorize payment for the critical and otherwise unmet shelter need of such families within the amount allocated to the county by this chapter. Priority

shall be given to meeting the critical shelter need of families with no outside income.

45-127 GENERAL LIMITATIONS AND REQUIREMENTS

45-127

.1 Special Procedures, Controls and Records

.11 Procedures will be established by the counties to assure that the funds allocated under these special provisions are being made available promptly and equitably for the purposes intended and for the benefit of those in greatest need. Other assets of the family from which the need might be met shall be evaluated and taken into consideration in determining "those in greatest need."

.12 Controls will be established by the county so that the state share of the amounts authorized, encumbered, and paid is within the funds allocated to the county.

.13 Procedures will be established by the county to assure that all payments under these provisions are made or authorized or that an appropriate encumbrance is established on or before June 30, 1969.

.14 The county will maintain records showing the individual *FAMILIES* to whom or on whose behalf payments under these special provisions are authorized, the purpose of the payments, the basis for the determination of critical unmet need, and the total amount of the payments to or for the family. Vendor invoices will be retained when vendor payments are made. The county will retain this information in accordance with the applicable retention schedule.

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Effective 1/1/69



CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

45-127 GENERAL LIMITATIONS AND REQUIREMENTS (Continued)

45-127

.2 Special Provisions Governing Payments and Authorizations

.21

All payments made under these special provisions will be made as money payments to the family and are subject to the general statutes and regulations governing the AFDC program except that:

.211

Payments made to or on behalf of an AFDC family under these special provisions are not subject to the maximum amount of payment in which there is state financial participation as established by the W&I Code Section 11450(a) and Regulation 44-313.

.212

Payments for home repairs as provided in Section 45-125.21 above will be made as vendor payments on behalf of the recipient.

.22

Payments under these special provisions will be authorized as AFDC payments.

.23

Because of the current short-term availability of this appropriation and the necessity to implement the program immediately, the authorization and payment procedures will be separated from all other payments.

.24

Payments under these special provisions will be authorized separately in the same manner as aid payments. Counties may select the option of either authorizing as a separate entry on the regular authorization document (273L or equivalent) or making a separate authorization document for these payments only, in either event "S.S.P." (Special Shelter Payment) shall be clearly indicated in the "Effective Month" column. The action document (278M or equivalent) will be routed through channels for processing and payment from S.S.P. funds.

.25

Federal, state and county participation in payments made under the provisions of this chapter will be on the same sharing formula as regular AFDC payments.

45-129 EXPIRATION DATE CHAPTER 45-120

45-129

The regulations in this Chapter 45-120 expire June 30, 1969, unless extended or recodified.

Effective 1/1/69

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CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

FINDING OF EMERGENCY

The addition of Chapter 45-120 to the regulations of the State Department of Social Welfare constitutes an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code.

The following facts constitute the emergency:

1. The addition of Chapter 45-120 implements the provisions of Chapter 1, Statutes of 1968, First Extraordinary Session, passed as an urgency measure to become effective at once and of Proposition 1A passed by the electorate of California on November 5, 1968.
2. These measures provide for the allocation of \$500,000 to the State Department of Social Welfare to be used in meeting unmet shelter needs of public assistance recipients during the fiscal year ending June 30, 1969.
3. The period of time for the utilization of these funds is so limited that the counties must be afforded a maximum amount of time to carry out the legislative intent to use the funds appropriated to improve housing conditions of public assistance recipients.
4. Maximum utilization of these funds will result in securing federal participation in this program to the extent of approximately \$508,300.
5. Any failure to obtain maximum utilization of these funds and to secure maximum federal participation would, therefore, necessarily have an adverse effect on the public health, safety and general welfare of the people of the state.

It is therefore necessary that Chapter 45-120 be adopted as an emergency measure, effective January 1, 1969.

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CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATION  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

The following regulations are to be repealed effective 2/1/69:

Chapter 56-110 Volunteer Services

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## FC FILING ADMINISTRATIVE REGULATION WITH THE SECRETARY OF STATE NS

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

DEC 31 1968

Office of Administrative Procedure

ENDORSED

APPROVED FOR FILING  
(GOV. CODE 11380.1)

DEC 31 1968

Office of Administrative Procedure

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE

(Agency)

Dated: December 30, 1968

By: John C. Smith

Director

(Title)

FILED

In the office of the Secretary of State  
of the State of California

DEC 31 1968

At 11:10 o'clock a.m.

FRANK M. JORDAN, Secretary of State

By J. P. Smith  
Assistant Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

42-340 UNEMPLOYMENT OF A PARENT

42-340

AFDC

.1 Deprivation Due to Unemployment

Deprivation due to unemployment of a parent exists when either parent is:

- .11 Not working at all and is available for and seeking employment, or receiving training essential to his future self-support; or
- .12 Employed only part time.
  - .121 Part-time employment is that which:
    - a. Affords less than 152 hours of paid regular work per month; or
    - b. Affords less than the number of hours considered by the industry to be full time for the job, as established by the California State Employment Service if under 152 hours.

Effective 2/1/69

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WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

The following regulation is repealed effective immediately:

42-340.121 (filed with Secretary of State 12/24/68)

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CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

FINDING OF EMERGENCY

Immediate repeal of Sec. 42-340.121 (filed with Secretary of State 12/24/68) and the revisions of the regulations of the State Department of Social Welfare contained in Section 42-340.121 of the Public Social Services Manual are emergency measures necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code.

The following facts constitute the emergency:

1. Current Federal regulations preclude, effective February 1, 1969, payment of AFDC on behalf of children whose father is employed 35 hours or more a week. The regulations formerly permitted employment up to 40 hours a week.
2. Current departmental regulations do not conform to all of these Federal requirements.
3. A failure to revise this regulation operative as of February 1, 1969, in such a manner as to make them an acceptable part of the "California State Plan" on file with the Department of Health, Education, and Welfare of the United States under Title IV of the Social Security Act will jeopardize the eligibility of the State of California for substantial Federal contributions.
4. The loss of Federal funds will necessarily have an adverse affect on the public health, safety and general welfare of the people of this State.

The revisions of the regulation described above must, therefore, be adopted as an emergency measure effective February 1, 1969.

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

DEC 30 1968

Office of Administrative Procedure

ENDORSED

APPROVED FOR FILING  
(GOV. CODE 11380.1)

DEC 31 1968

Office of Administrative Procedure

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE

(Agency)

Dated: December 26, 1968

By: John C. Mahoney

Director

(Title)

FILED

In the office of the Secretary of State  
of the State of California

DEC 31 1968

At 11:10 o'clock a.m.

FRANK M. JORDAN, Secretary of State

By: W. H. Allen  
Assistant Secretary of State

DO NOT WRITE IN THIS SPACE

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

## 36017. MATERNITY CARE PLAN.

The maternity care program authorized under the Welfare and Institutions Code Section 16130 shall be based upon a written plan submitted by the county adoption agency. The program shall be used for mothers who do not qualify for Medi-Cal or other medical plans and whose personal resources are not adequate to provide for their own care. (See Regulation Section 36167)

## 36025. REPAYMENT OF MATERNITY CARE.

Even though a decision is reached not to relinquish a child to the agency, the mother, the husband, the child's father, if appropriate shall not be held liable for repayment of maternity care. However, if the agency is reimbursed for all or part of the maternity assistance, then the reimbursement shall be deposited and reported as administrative abatement to the adoption program.

## 36167. MATERNITY CARE PROGRAM.

The maternity care allocation shall be used to help the mother with private medical and hospital care when she is financially unable to pay for this care, is not eligible for Medi-Cal, and the use of other public medical resources is not indicated to protect the mother and child. This resource is to be used only as an additional resource to help the mother make a sound plan for herself and child when no other resource is available.

Effective 1/1/69

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36171. RESOURCES AVAILABLE TO THE MOTHER.

If the mother is eligible for Medi-Cal, she shall not be approved for maternity care from the budget allocation. If the mother is ineligible for Medi-Cal, and requests assistance the total resources (savings, earnings, health insurance, and insurance policy on which she can borrow) of the mother shall be explored and evaluated with her, with her husband, or with the child's father, if appropriate.

If the mother is not willing to use the personal resources available to her and if she has a reasonable basis for not wanting to do so because it would mean, for example, disclosing her pregnancy when she is not willing to make this disclosure, she may be considered for care under the allocation.

When evaluating the resources with the mother, the worker shall take into consideration reasonable living expenses during pregnancy and after delivery.

If determination is made that assistance is needed, the mother shall be approved for maternity care from the budget allocation for only that portion of medical expenses which she is not able to pay or which cannot be paid through other resources.

Effective 1/1/69



CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

\*Article 7. Aid for the Adoption of Children  
36285. COUNTY AGENCY RESPONSIBILITY FOR SERVICES UNDER PILOT PROGRAM.

(a) Notice of Intent to Participate

A licensed county adoption agency wishing to participate in this program shall notify the Adoptions and Foster Care Bureau, SDSW, of its intention by 2/1/69.

NOTE: Chapter 1322 enacted by the 1968 Legislature added Sections 16115 through 16123 of the Welfare and Institutions Code to (1) encourage and promote the adoption of children for whom adoptive families are not readily available; (2) require the SDSW to administer and establish a pilot program to be carried out by any licensed county adoption agency; (3) determine (a) the extent to which a public information campaign on adoptions would increase the adoptive families for these children, (b) the extent to which financial assistance can increase the number of adoptions, especially among lower income families, and (c) the extent of financial assistance, if any, which is needed; (4) require the SDSW to report progress to the Legislature by March 1 of each year and final report in 1971, in time for the Legislature to decide whether the pilot program should become a permanent part of the adoption program; (5) permit counties to give financial assistance up to the amount which would have been paid for foster care if placement for adoption had not occurred and permits waiving of fee for adoptive parents participating in the program; (6) provide that funds used for this purpose are to be transferred to a special account from the foster care funds; (7) require counties to pay county share of the cost in lieu of foster care payments from county funds; (8) provide that the program is operative January 1, 1969, placements under this chapter must be made by December 31, 1971, and assistance must be limited to a maximum of 3 years.

This law states that the intent of the Legislature is to (1) benefit "hard to place" children residing in foster homes at state expense by providing the stability and security of permanent homes, and (2) to achieve a reduction in state expense by reducing costly foster home care.

These regulations are intended to initiate the program and implement the legislation. It is recognized that revised or new regulations will need to be issued as amendments or additions. As agencies identify problems or need for policies in this new and complex pilot program, these should be sent immediately to the Adoptions and Foster Care Bureau.

Effective 1/1/69

CONTINUATION SHEET  
 FILING ADMINISTRATIVE REGULATIONS  
 WITH THE SECRETARY OF STATE  
 (Pursuant to Government Code Section 11380.1)

36285 COUNTY AGENCY RESPONSIBILITY FOR SERVICES UNDER PILOT PROGRAM  
 (Continued)

(b) County Plan Required

Interim approval for operation may be given with the understanding that by March 1, 1969, the agency will send the Bureau a written plan for carrying out the program. The plan must include: (1) an estimate of the number of children expected to be served by the project; (2) the individual county's cost for providing boarding home care. The law provides that the financial assistance may not be more than the amount which would be paid for foster care for the child and the county must continue to pay its share of the costs; (3) an estimate of the funds needed for aid to families showing the number of cases by the estimated amount of aid according to the length of time.

(c) Periodic Reports and Evaluations

Periodic reports and evaluation of the program shall be made to the Adoptions and Foster Care Bureau.

(d) Public Information Campaign

- It shall have a public information campaign/shall:
- (1) The agency shall have a public information campaign/shall:
    - (A) Announce the availability of desirable children for adoption by families of all income levels,
    - (B) Avoid implying that all children of certain ethnic backgrounds or age or having physical handicaps are "hard to place," "second best" or that all families have to be paid to adopt them.
    - (C) Avoid implying that all families of certain background have low incomes and require assistance.
    - (D) Clearly interpret that financial assistance may be available and the fee waived.
  - (2) Copies of material prepared for public interpretation for this program shall be sent to the Adoptions and Foster Care Bureau.

(e) Application of Regulations, Chapter 4, Title 22, Division 2, California Administrative Code

Services to persons participating in the pilot program known as Aid for Adoption of Children shall be in substantial compliance with the basic regulations under Subchapter 1 and 2 of Chapter 4, Adoptions, Title 22, Division 2, of the California Administrative Code.

Effective 1/1/69

CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATION  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

## 36286. PERSONS SERVED UNDER THE AID FOR ADOPTION PROGRAM

(a) Children

- (1) The children selected for this program shall be relinquished, or otherwise legally free, who are under foster care or would have to remain in long term foster care because prospective adoptive homes are not readily available. These include:
- (A) Children over 7 years of age.
  - (B) Physically handicapped children.
  - (C) Children whose ethnic background, race, color, or language, makes placement in adoptive homes difficult.
- (2) In selecting children for the program, the agency shall first utilize the SDSW expanded exchange program to determine if a placement with a family not requiring financial assistance is possible and will serve the best interests of the child.
- (3) Children who have some of the characteristics identified under Item (a) (1) but for whom families not requiring financial assistance are available are not to be considered or reported as a part of the Aid for Adoption Program. A record of these children shall be maintained and reported as a Control Group, to evaluate any differences in the children and families.

(b) Families

The prospective adoptive parents selected for this program shall be:

- (1) Lower income families; or
- (2) Families who are economically disadvantaged because of ethnic background, race, color or language; or
- (3) Families who need short-term financial assistance not to exceed 3 years and not to exceed the amount which the county would pay for foster care for the child.

Effective 1/1/69

CONTINUATION SHEET  
 FILING ADMINISTRATIVE REGULATIONS  
 WITH THE SECRETARY OF STATE  
 (Pursuant to Government Code Section 11380.1)

## 36287. FINANCIAL ASSISTANCE

(a) Determination of Amount and Period of Assistance

This is a time limited aid program, which may include continued assistance after the legal consummation of adoption.

- (1) The agency shall evaluate the family's needs and the aid needed to best help the child and the family.
- (2) The amount and duration of aid will be based on the family situation. However, the amount may not exceed the amount which the county would pay for foster care and the duration may not exceed three years after placement.
- (3) The amount shall be adjusted upward or downward, or discontinued in accordance with the established needs of the family.
- (4) The case record shall clearly <sup>reflect</sup> the decisions made and the basis for them.
- (5) At the time of placement the decisions made by the agency and family shall be set forth in the Placement Agreement, copy of which shall be given to the family. The agreement shall include the following:  
 The family agrees, that after placement and after adoption, it will immediately notify the agency in the event that circumstances change in order that the agency may give any help indicated including reevaluation of the assistance and adjustment if needed.

The family will contact the agency two months before aid is discontinued in order that the agency and family may evaluate the results of the program.

It is the intent of the program generally to permit the adopted family members to function autonomously as they are capable of doing in the interest of promoting healthy family life. If the agency's evaluation of the adoptive family is sound, there should be no need to approach the family at any time in the spirit of "watching our money." The family is expected to act responsibly, in accord with the agreements with the agency.

(b) General Guidelines

The following is not meant to be all inclusive but represent some factors which may serve as guidelines in determining assistance to families in this program:

- (1) Working applicants who need assistance to ease the transition and adjustment of the child in the home by allowing the mother to stop work during the post-placement period.
- (2) Foster parents who need transition assistance economically in assuming full responsibility for the child.

If the child is already in the foster home, generally the agency would use the amount being paid for BHC as the amount of aid but would negotiate with the family the length of time aid required and the possibility of gradual reduction of the amount.

Effective 1/1/69

CONTINUATION SHEET  
**FILING ADMINISTRATIVE REGULATIONS  
 WITH THE SECRETARY OF STATE**  
 (Pursuant to Government Code Section 11380.1)

36287 FINANCIAL ASSISTANCE (Continued)

- (3) Applicants who need assistance to cover special needs or services such as legal services not available elsewhere, special education or therapy, medical and psychiatric services not available under Medi-Cal or Crippled Children's Services, or help with furnishing or providing additional space.
- (4) Applicants whose financial resources are temporarily inadequate, for example, a couple completing education.
- (5) The needs of the total family in relation to not only the income but the expenses, present and future,
- (6) In order to provide the broadest possible utilization of the program, public and private agencies are encouraged to cooperate. Aid may be provided under the following cooperative placements.
  - (A) When a qualifying child relinquished to a private adoption agency is placed with the participation of a public adoption agency.
  - (B) When a qualifying child relinquished to a public adoption agency is placed with the participation of a private adoption agency.

36288. WAIVER OF FEE

- (a) The fee will be waived for families requiring financial assistance and participating in the Aid for Adoption program. Exception may be made if circumstances change and the family wish to pay some part of the fee.
- (b) Generally the fee would be reduced or waived for families in the low income bracket who adopt children served by this program but who state they do not need or want financial assistance.
- (c) Consideration may be given to waiving the fee or reducing it for a family in a higher income bracket who have heavy financial responsibilities, but who do not need financial assistance.
- (d) The fee will not be waived automatically for any family who are economically in good circumstances, do not require financial assistance, but who request that the fee be waived solely on the basis that they are adopting a child from the so-called "hard to place" group.  
falling into groups described
- (e) For families/in the (c) and (d) above the needs of the total family in relation to not only the income but expenses, present and future, will be considered in determining whether the fee should be waived or reduced.

\*NOTE: The provisions of these regulations become operative on January 1, 1969, and continue for a period not to exceed 3 years from the placement of the last children on December 31, 1971. If the program is made a permanent part of the adoption program by the 1971 Legislature these regulations will be obsoleted in 1971 and reissued as a permanent integrated part of Title 22 of the California Administrative Code.

Effective 1/1/69

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CONTINUATION SHEET  
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WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

36175. SERVICES AND STUDY--THE CHILD. The agency shall provide casework services and care for children accepted by it, including preventive and remedial medical care.

The agency shall make a careful study of each child accepted for adoption service to determine his needs and capacities and to relate them to choosing the family which can offer the best setting for his growth and development. The study shall include identification; developmental history and evaluation of it in relation to life experience, school data and religious affiliation.

in case of an adoption completed on or after November 14, 1968,  
If/there is an indication the child is or may become physically handicapped,  
the agency shall refer the child to crippled children's services for diagnostic and treatment services. Medical reports and data to establish child's eligibility for services under Health and Safety Code, Section 273, shall be required.

The agency shall obtain the birth certificate of the child as soon as possible.

The agency shall obtain complete information regarding the legal status of the child.

The agency shall obtain medical reports as necessary. These shall include a written report of testing for Phenylketonuria (PKU) for all newborn infants in accordance with Regulations of the State Department of Public Health, and for filing of the report in the case record. (Title 17, Public Health, Chapter 4, Subchapter 9, Article 1, Section 6500, California Administrative Code.) Where no such test has been administered the agency shall be responsible for seeing that it is done.

The State Department of Public Health Regulations provide for the following exceptions from testing:

- a. If a parent or legally appointed guardian objects to a test on the ground that it conflicts with his religious beliefs or practices, or
- b. If it is determined by a patient's physician that there are medical contraindications to following the procedure prescribed.

Such exception(s) (a or b above) shall be noted in writing by the parent, legally appointed guardian, or physician, and a report of such exception(s) filed in the case record.

Effective 2/1/69

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CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATION  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

36253. SELECTION OF ADOPTIVE PARENTS FOR CHILD. In choosing adoptive parents for a child the agency shall select from its approved applicants the family which is best able to meet his needs.

The child shall be placed with adoptive parents whose religious faith is the same as his own or that of his parents. Exception can be made in accordance with the expressed wishes of the parent(s).

The chosen adoptive parents for a physically handicapped child shall be informed of the child's eligibility for crippled children's services under the Health and Safety Code, Section 273, C.C.S. Manual, Section 6.3.3/A.1.e. and 6.3.3/B.9.

36257. SUPERVISORY PERIOD AFTER PLACEMENT FOR ADOPTION. There shall be an interim period between the placement and the final adoption, during which the agency will provide casework services to the family. This period shall normally be one year. It shall not be less than six months unless a reduction is necessary in order to protect the welfare of the child in which event the approval of the SDSW shall be obtained.

There shall be at least four interviews with the couple during the supervisory period, two of which shall be in the home with the child and both parents.

The agency shall provide appropriate services to the physically handicapped child and the adoptive family to obtain or continue crippled children's services as indicated.

36270. MEDICAL RESPONSIBILITY OF THE AGENCY.

Prior to completion of adoption, the agency shall:

- (a) Obtain a final medical report on the child.
- (b) If this report indicates a possible physical problem previously not identified or reported, the agency shall refer the child to crippled children's services for determination of eligibility and services.
- (c) Complete necessary documents and reports for continued crippled children's services to the child after adoption, unless expressly instructed by the family not to do so.
- (d) Determine whether referral to crippled children's services has been previously made and verify whether diagnosis and eligibility has been completed.

Effective February 1, 1969

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CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATION  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

36273 Agency Joinder and Consent to Adoption

- (a) If the agency approves the adoption, it shall join in the petition and shall give its consent.
- (b) A separate form of Joinder executed by the agency shall be sent to the attorney who will transmit the original petition and the Joinder to the clerk's office for filing. The Joinder and consent shall be sent to the attorney after the petition has been executed and verified by the petitioners.
- (1) The Joinder shall show the original name of the child as it appears on the copy of the birth certificate, the date of birth, the place of birth including city and county and the sex of the child.
- (2) The consent of the agency to the adoption shall be included in the Joinder except in those cases in which it is necessary to file the petition before it is time to complete the adoption or the agency plans to file the consent at the time of hearing.

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Effective 2/1/69



CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

36258. Services and Legal Completion of Adoption When Families Move After Placement

- (a) For families in the following categories special arrangements shall apply:
- (1) Adoptive families who are residents but parents are in military service, or auxiliary thereof, of the United States, or any of its allies or Red Cross outside California.
  - (2) Other families who are residents of California but who move out of state prior to completion of the adoption in California.

Consideration and discussion of the possibility of the family's moving before completion of the adoption shall precede placement. In planning for families who must move after placement, the adoption laws governing the place to which they move shall be explored. If the laws of the other state would prevent completion or delay the adoption, or if for other reasons the agency and the family decide the adoption should be completed in California, the agency will plan for a prior court appearance for the couple and child while they are still residing in California. The intent of military or Red Cross personnel to appear in court by counsel or in person shall be determined.

If the adoption is to be completed outside California, the California agency shall provide the out of state agency with the documentation required, and will request notification of the completion of the adoption and a copy of the decree. The child's agency will assist in securing an amended birth certificate for the child.

If the adoption is to be completed in California and shortening of the supervisory period is to be considered in order to complete the adoption prior to leaving California, Section 36257 shall apply.

Effective 2/1/69

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CONTINUATION SHEET  
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WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

36258 Services and Legal Completion of Adoption When Families Move After Placement  
(Continued)

(b) If the family moves before the adoption is completed, the California agency shall discuss with the adoptive couple prior to the move the role of any necessary cooperating agency and the continuing role of the placing agency. Suitable cooperative arrangements with an appropriate out of state agency shall be made as follows:

(1) Request for out of state agency services shall be sent to the State Department in the other state, unless the <sup>AMERICAN PUBLIC WELFARE ASSOCIATION</sup> (APWA) Directory specifies otherwise. A private adoption agency may request out of state service from an accredited Child Welfare League of America agency which offers adoption service; a copy of the request is to be sent to the State Department in the other state.

(2) Requests for service for families moving to other countries shall be made to the American Branch of the International Social Service, or the National Catholic Welfare Conference.

(3) Copies of requests for service and subsequent correspondence shall be sent to the Adoptions and Foster Care Bureau, State Department of Social Welfare.

(c) The requests to the other agency shall include a clear statement of:

- (1) the service requested and the help the family needs;
- (2) the reports expected in accordance with California regulations;
- (3) whether legal completion of adoption is to be in California or in the other location;
- (4) arrangements that the agency has made for the return of the child to the California agency if the placement is unsuccessful;
- (5) information regarding fees paid or to be paid.

(d) Pertinent information shall be exchanged between the California agency and the out-of-state agency with respect to:

- (1) The family and its ability to integrate the child into the family.
- (2) Information regarding the child, including physical, mental and social development and provisions for any needed medical care.

Effective 2/1/69

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WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

36310. Adoptive Petitioners Absent From California

(a) For petitioners in the following categories special arrangements shall apply:

- (1) Adoptive petitioners who are California residents but are in military service, or auxiliary thereof, of the United States, or any of its allies, or in the American Red Cross and are outside California;
- (2) Other petitioners who are residents of California but are not living in the state, or who move out of the state prior to the completion of the adoption in California.

Arrangements with an out of state agency for study of the petitioners' home and the child as provided in Sections 36303, 36305, 36307, 36313, and 36315 shall be made. If the natural parents are also outside this state, arrangements shall be made with the appropriate out of state agency for the study required under Section 36309.

The California agency is responsible for sending the questionnaire to the petitioners for securing necessary verifications of marriages and divorces, and employment. Also, it shall send the required medical reports to the petitioners for completion by their physician.

Generally, the consent of the parent will not be taken until information about the family has been received from the out of state agency. If the parent refuses consent, effort shall be made to provide appropriate assistance to her in securing the return of the child.

The residence of the petitioners must be determined since adoptions are statutory actions and the law provides that the petition is to be filed in the county in which the petitioners reside. Consideration shall be given to union of act and intent as evidenced by maintaining voting residence, permanent mailing address, personal possessions or home, and the expressed intent to return to this state when the reason which required absence from this state no longer exists. The

Effective 2/1/69

CONTINUATION SHEET  
F FILING ADMINISTRATIVE REGULATION  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

36310 Adoptive Petitioners Absent From California (Continued)

court report shall include the facts which have been determined in establishing the residence. If there is a question of residence, this fact shall be called to the court's attention.

In those cases in which it is necessary to file a preliminary court report, the agency shall clearly state in the opening paragraph whether the report is based on a full study or on an incomplete study.

Agencies shall interpret to attorneys the importance of an agency contact with the natural parents and with the petitioners before the child is taken out of state.

**(b) Requests to Out of State Agencies for Service.**

- (1) Requests for service made to an agency in another state shall be sent to the state department in that state unless the <sup>AMERICAN PUBLIC WELFARE ASSOCIATION</sup> (APWA) Directory specifies otherwise.
- (2) Requests for service for petitioners living in other countries shall be made to the American Branch of the International Social Service or National Catholic Welfare Conference.
- (3) A copy of the initial request for service shall be sent to the Adoptions and Foster Care Bureau, State Department of Social Welfare. Problems encountered in securing service shall be immediately reported to the bureau. If the request for service is refused, the out of state agency shall be requested to provide names of qualified agencies or members of Academy of Certified Social Workers (ACSW) to which the petitioners or natural parents shall be referred for service. The out of state agency or ACSW providing the required service for the natural parent shall be told that an out of state consent must be signed before a notary public or other person with notarial power.

Effective 2/1/69

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WITH THE SECRETARY OF STATE  
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36310 Adoptive Petitioners Absent From California (Continued)

- (4) The request to the out of state agency shall include a clear statement of the services requested including the determination of residence and the reports expected in accordance with California regulations identified in Section "A".
- (A) If the petitioners are in military service or American Red Cross, the out of state agency shall be requested to determine whether the family intends to come to California for court appearance or to appear by counsel.
- (B) Whether there has been a prior court appearance made, if this fact known.
- (C) If the petitioners are not in the military service or American Red Cross, the out of state agency shall be requested to explain to them that there must be a court appearance before the adoption can be completed.
- (c) Pertinent information shall be exchanged between the California agency and the out of state agency with respect to the petitioners, the child, and the natural parents.

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Effective 2/1/69

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

FINDING OF EMERGENCY

The amendments to Sections 36017, 36025, 36167 and 36171, and the adoption of Sections 36285, 36286 and 36287, Chapter 4, Title 22, California Administrative Code, are emergency measures necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code.

The following facts constitute the emergency:

1. During the 1968 session, the California Legislature enacted Senate Bills 128 and 409 which, upon signature by the Governor and filing with the Secretary of State, became Chapters 879 and 1322, respectively, Statutes of 1968, with an effective date of November 13, 1968.
2. Chapter 1322 establishes a pilot program for the purpose of determining the feasibility of aid to assist families in the adoption of children who might otherwise be found to be difficult to place for adoption.
3. Chapter 879 eliminates statutory provisions relating to a Special Deposit Fund for maternity care in adoptions and makes alternate provisions for funding.
4. State regulations implementing these two statutory changes must be adopted without delay in order to enable the various state and local agencies to carry out the provisions of the law as they became effective on November 13, 1968.
5. A failure of the administrative practices of state or local agencies to conform with the state law is necessarily detrimental to the public welfare.
6. A failure to implement, as soon as possible, a program designed to assist children in need of such services would necessarily be detrimental to the health, safety and general welfare of the people of the State.

The above-listed regulations must therefore be amended, or adopted, as the case may be, as emergency measures to take effect on January 1, 1969.

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(Pursuant to Government Code Section 11380.1)

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DEC 31 1968

Office of Administrative Procedure

ENDORSED

APPROVED FOR FILING  
(GOV. CODE 11380.2)

DEC 31 1968

Office of Administrative Procedure

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: December 30, 1968

By:

*John C. McIntosh*

Director

(Title)

FILED

In the office of the Secretary of State  
of the State of California

DEC 31 1968

At 4:05 o'clock P. M.

FRANK M. JORDAN, Secretary of State

By:

*W. H. Hall*  
Assistant Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

#### Chapter 9. Deposit Subscriptions on Continuing Care Contracts

##### Subchapter 1. Permit Application Procedures

42881. APPLICATION FOR PERMIT. Any applicant for a Certificate of Authority who plans to construct an institution for the reception and care of aged persons may apply to the State Department of Social Welfare for a permit to issue and sell deposit subscriptions on continuing care contracts, subject to all of the impound regulations of this chapter, in lieu of posting the performance bond required under Section 16302 of the California Welfare and Institutions Code.

An application by an association or corporation shall bear the signature of the board president or other presiding officer. Any application filed for an unincorporated proprietary facility shall be signed by each person who will assume any financial and/or administrative responsibility.

An application for a Certificate of Authority and a copy of the license and/or licensing application are required to be submitted with the application for permit. The application shall contain a summary of all pertinent facts. All information included in the statements shall be current and up to date.

42883. ELIGIBILITY FOR PERMIT. A prospective applicant for a permit to issue and sell deposit subscriptions on continuing care contracts is eligible for a permit, if the applicant;

- (a) Has applied for, or has received a license from one of the licensing agencies, and
- (b) Meets all of the requirements of the appropriate state or local licensing agency which can be met prior to construction of the building, such as the proper organizational and management structure, an adequate financial base, an acceptable plan to provide care to aged persons and submission of building plans which meet licensing requirements and all applicable state and local ordinances.

Effective 2/1/69

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 FOR FILING ADMINISTRATIVE REGULATIONS  
 WITH THE SECRETARY OF STATE  
 (Pursuant to Government Code Section 11300.1)

42885. DEBT SECURITIES. Debt securities such as <sup>stocks,</sup> bonds, debentures, notes or other securities which are offered or sold by an applicant or licensee are subject to the permit requirements of the Corporate Securities Law. The home must apply to the Division of Corporations for permission to offer or sell such securities.

42887. FILING OF APPLICATION. <sup>continuing</sup> The application for permit to sell deposit subscriptions on <sup>care</sup> contracts, on forms prescribed and supplied by the department, shall be completed and filed in duplicate with the department. A separate application is required to be filed for each facility which would require a Certificate of Authority.

42889. INCORPORATION. A home for the aging operated under the auspices of a national organization or religious order need not be incorporated in the State of California to be eligible for a permit if it has a certificate issued by the Secretary of State of California authorizing it to do business in California.

42891. ARTICLES OF INCORPORATION AND BYLAWS. A copy of the Articles of Incorporation, Constitution and Bylaws shall be filed with the application for permit. A copy of any amendments shall also be attached.

If the applicant is a foreign corporation, it is required to furnish a copy of the certificate issued by the Secretary of State of California showing it is authorized to do business in this state.

A constitution shall be established setting forth the purpose of the organization. The bylaws shall set forth the functions of the organization and the means whereby the functions are to be carried out.

42893. RESOLUTION. A copy of the resolution authorizing the filing of the permit application shall be submitted with the application.

42895. DIRECTORS' MINUTES. A copy of any minutes of directors' or shareholders' meetings relating to the operation of the applicant's operation of the home for the aging shall be submitted with the permit application.

42897. PERMIT ISSUED. On receipt of an application for permit, the department will review the attached plan of operation, identify any deviations from the regulations and when indicated, discuss with the Board and/or executive the applicant's plans to achieve full conformity with regulations.

A permit will be issued whenever it is found that all requirements are met. A permit may also be issued when there is substantial conformity with regulations if deviations are minor. Any deviations will be shown on the permit and corrective action must be taken before the department will consider the release of any impounded funds.

The permit to sell deposit subscriptions on <sup>continuing</sup> care contracts gives enough information so that it can be shown to each subscriber prior to the taking of subscription orders.

In the event the appropriate licensing agency lists any deficiencies which may be cause for a license denial, no funds shall be released from impound.

Effective 2/1/69

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CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

42899. PERMIT DENIED. Any denial of a permit application will be discussed in advance. Unless the application for permit is withdrawn, this discussion will be confirmed by a registered letter to the applicant. This letter will:

- (a) State that the application is denied.
- (b) List the reasons for denial.
- (c) Review the right of appeal and the time limit for filing an appeal (30 days).

If an appeal is filed, further proceedings will be conducted in accordance with the Administrative Procedure Act.

42901. AMENDED APPLICATION. Proposed major changes of corporate organization, operation or financing shall be submitted to the department for review and approval. Changes in the name of a corporation shall be filed with the department in addition to filing with the Secretary of State.

Changes in corporate identity without approval of the department automatically revoke the permit.

42903. REVOCATION OF PERMIT. A permit will be revoked if specific acts or conditions constitute lack of conformity with regulations and continue to exist after the applicant has been given a Notice of Violation and a reasonable time to correct the violations. If within 30 days an appeal is filed from this action, further proceedings will be conducted in accordance with the Administrative Procedure Act.

#### Subchapter 2. Depositary (Escrow Agent)

42921. APPROVAL OF DEPOSITARY (ESCROW AGENT). The depositary (escrow agent) must be approved by the department.

42923. SUBSCRIPTION PAYMENTS. Deposit subscription payments are to be paid by check, draft or money order. Such instruments are to be made jointly to the applicant and the depositary (escrow agent). If, through error, a subscription payment is made payable to the applicant or selling agent, the applicant or selling agent shall promptly endorse and deliver it to the depositary. The applicant or selling agent may not cash the instrument or deposit it in the applicant's or selling agent's account.

Selling commissions may not be paid from funds which are subject to impound.

The amount of the processing or filing fee required of the subscriber shall be specified in the deposit subscription agreement and is subject to approval of the department. The processing fee may be receipted separately and retained by the applicant as it is the only fee which is not subject to impound. However, the agreement shall indicate refund of the processing fee if the facility or institution is not constructed, if the subscriber is not accepted for occupancy, or if the subscriber dies prior to the execution of the <sup>continuing</sup> care agreement. A processing fee or deposit

of any kind shall not be collected until the permit is issued by the department.

42925. DEPOSITS TO THE DEPOSITARY. Deposits by the applicant agency to the depositary (escrow agent) shall be made within 48 hours after their receipt from subscribers and shall be separately accounted for by the applicant. Deposits shall be accompanied by a duplicate copy of the executed deposit subscription agreement, a copy of the receipt given to the subscriber, and a deposit summary. The receipt documents shall be prenumbered.

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
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42927. RELEASE OF IMPOUNDED FUNDS. Funds deposited with the depository (escrow agent) shall be subject to release only under the following conditions:

(a) Upon certification of an officer of the applicant agency for payment directly to a subscriber who terminated his deposit subscription agreement pursuant to the terms of the deposit subscription. The applicant agency may use the department's standard format for the refund of deposits to subscribers who withdraw.

(b) For payment to either the applicant agency or to any or all subscribers who have deposited funds in the escrow account upon written approval of the department.

42929. PROGRESS REPORTS BY DEPOSITORY. Regular progress reports at least quarterly, preferably on a monthly basis, shall be sent by the depository directly to the department. Reports shall show the name and address of the subscriber, the full value (amount) of his subscription, the amount deposited, the amount and name of any withdrawing subscribers (refunds), and the current balance in the escrow account.

42931. EARNINGS ON IMPOUNDED FUNDS. Escrow funds may be invested in highly liquid money securities such as certificates of depository in savings accounts in accordance with instructions of the applicant, but earnings may not be released to the applicant. Applicant's instructions shall specify the amounts and time periods if investments are to be in time certificates of deposit so as to coincide with the applicant's probable requests for release of funds and for anticipated refunds to subscribers.

The escrow agreement may specify the payment of interest to subscribers in cases of refund. If no interest is to be paid to subscribers, then interest earnings shall be included in releases to the applicant. However, if the facility is not constructed, interest is to be prorated to the subscribers even if the escrow agreement fails to specify the payment of interest to subscribers.

42933. SALE OF DEPOSIT SUBSCRIPTIONS. The selling of deposit subscriptions on <sup>continuing</sup> /care contracts is limited to those specified in the permit application. The applicant may not delegate management of the subscription sales to any of its selling agents; it is solely responsible for all record keeping and the action of its agents.

The applicant agency, not the selling agents, must keep an accurate record of all expenses, maintain a file on subscription sales showing all sales and refunds, account for and keep under its control the proceeds of the sales and deposit funds within 48 hours of the sales to the impound account with the approved depository (escrow agent).

42935. ESCROW AGREEMENT. A copy of the proposed escrow agreement shall be submitted to the department with the permit application. The agreement shall include the depository's name and address, the applicant's name and address, specific orders regarding the release of impounded funds, provision for monthly progress reports to the department, the date for final release of all funds, instructions on the investment of impounded funds, orders regarding the depositing of funds in the escrow account, and the amount of the filing or processing fee which is to be excluded from impound.

Following any approvals required of the department, a copy of the executed escrow agreement shall subsequently be submitted to the department.

Effective 2/1/69

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
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Subchapter 3. General Provisions

42951. DEPOSIT SUBSCRIPTION AGREEMENT. The deposit subscription agreement on <sup>continuing</sup> /care contracts must be approved by the department prior to the sale of any subscriptions. The deposit subscription agreement shall be prepared in triplicate. A duplicate of the original shall be returned to the subscriber and the triplicate copy shall be submitted to the depository (escrow agent).

The agreement shall indicate a full return of deposited funds, including the filing or processing fee to the subscriber if the subscriber is not acceptable for admittance to the proposed facility by the applicant. It shall also provide for the full return of deposited funds if the subscriber dies prior to entrance into the completed facility.

Reference to any other document requires an attachment of that document.

42953 CONSTRUCTION COMPLETION. If funds from deposit subscriptions are the only funds which will be used for construction, release of impounded funds to the applicant will not be authorized by the department until subscription sales amount to at least 85% of the total anticipated sales, providing the subscribed sales fully cover financial requirements, and construction is at least 50% complete.

Where the applicant has additional funds to be used for construction or has a firm loan commitment, subscription sales must be at least 50% of the total anticipated sales and construction is to be at least 50% complete before the release of impounded funds will be authorized. The particular circumstances of the applicant will be considered by the department.

Noescrow funds shall be released unless the applicant has complied with the applicable licensing regulations. The appropriate licensing agency shall list any deficiencies which may be cause for a license denial; unless such deficiencies have been corrected, escrow funds will not be released.

42955. EXTENDING DATE OF COMPLETION. The permit application shall set forth the effective date of completion or opening of the facility or institution. No application for permit will be considered if the expected date of completion is more than 36 months from the date of the permit application.

Any requests for extensions of time must be made to the department in a formal request. Depending upon the circumstances of the individual applicant, extensions may be granted. Extensions will be conditioned upon certain notifications to subscribers.

42957. LICENSE. The applicant is required to submit a copy of the license or the license application, which has been filed with an authorized state or local licensing agency, with the permit application.

42959. SALE OF STOCK. Corporations which plan to offer or sell stock, bonds, debentures, notes or other debt securities of the applicant are required in all cases to apply to the Division of Corporations, Department of Investments, for authorization in accordance with the Corporate Securities Law.

Effective 2/1/69

CONTINUATION SHEET  
 FOR FILING ADMINISTRATIVE REGULATIONS  
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42961. SELLING AGENTS. Selling agents for organizations or corporations which plan to offer or sell stock, bonds, debentures, notes or other debt securities of the applicant are required in all cases to be licensed by the Division of Corporations and must apply to that department for proper authorization.

Selling agents of the applicant are not required to be licensed by the Division of Corporations if they offer or sell only deposit subscriptions on <sup>continuing</sup> care contracts. The names of all selling agents and the compensation of each shall be included in the permit application. Each selling agent shall complete a Criminal Identification and Investigation clearance form in triplicate for submission with the permit application. If the applicant's selling agent is licensed to a security broker, a copy of the license may be attached to the application in lieu of a CII clearance form.

The applicant may not delegate management of the deposit subscription sale to any of its agents. It is solely responsible for all record keeping and for the actions of its agents.

Selling commissions may not be paid from impounded funds or from funds which are subject to impound.

42963. BONDING. All officers, directors, or selling agents responsible for handling funds shall be bonded.

42965. PERMIT FILING FEE. The department shall charge a filing fee for processing permit applications. The fee shall be based upon the amount of anticipated sales. No charge shall be made for amendments to permit applications.

42967. <sup>Continuing</sup> CARE (OR ENTRANCE) AGREEMENT. A copy of the proposed <sup>continuing</sup> care (or entrance) agreement shall be submitted with the permit application for the department's approval. If a separate document is used for an admission agreement, it shall be submitted in addition to a copy of the proposed resident application form.

After receipt of the department's approval, a copy of the continuing care agreement may be given by the applicant to prospective subscribers. The agreement may not be executed, however, until the Certificate of Authority has been issued by the department.

42969. ADVERTISING. Any report, circular, public announcement, certificate, financial statement, or any other printed matter or advertising material which is designed for or used to solicit or induce persons to enter into a deposit subscription agreement shall not contain any misrepresentations or omissions which have the effect of misrepresentations.

Any references to the name of any individual or organization shall clearly state the extent of financial responsibility assumed by that individual or organization on behalf of the applicant agency. A copy of any prospectus or advertising material prepared for distribution or publication shall be submitted with the application for permit or as soon thereafter as prepared.

42971. CRIMINAL RECORD CLEARANCE. Criminal record clearance shall be obtained by the department from the Department of Justice, Bureau of Criminal Identification and Investigation and from the Division of Corporations for each officer, board member, partner, owner, management official and selling agent of the applicant agency on the basis of fingerprints and a name check. Each individual shall complete a CII clearance form in triplicate for submission with the permit application.

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Subchapter 4. Finances

42981. AUDITS. An audit examination or spot check shall be made of the applicant's books and records during the first month the permit is issued and again before any impounded funds are released to the applicant. The department's audit shall include a review of the books maintained in the principal office of the applicant agency. An early examination will expedite the release of funds. The applicant's estimated date of the first release should be identified as early as possible so the audit can be scheduled.

The applicant's records shall be available to and open for inspection to the department at all reasonable times by any proper representative of the department at the principal office located as indicated on the application for permit. Any complete audit of records made by the department shall be made at the expense of the applicant.

42983. FINANCIAL STATEMENTS.

(a) Preparing Financial Statement. Financial statements filed in support of an application for permit shall be prepared as outlined:

(1) Statements shall ordinarily be prepared in accordance with generally accepted accounting principles.

(2) The salary or compensation of officers, directors or managers of the applicant agency shall be specified.

(3) The salary or commission paid to brokers or selling agents shall be specified.

(4) Selling expenses shall be itemized in the statement.

(5) Personnel shall include the number, technical grade and salaries and shall be sufficient in number to perform the functions of the applicant agency.

(b) Additional Financial Statements. The department reserves the right to reject any financial report and to call for additional information, reports, or to make such further investigation or examination as it shall deem proper. The department may require interim financial statements which may not necessarily require certification.

(c) Technical Reports. Any appraisal, engineering or other such technical report prepared for submission to the department shall be made by appropriately qualified personnel. All appraisals shall show the basis and method of valuation. The department may require technical reports to be verified and/or certified. The expense of any verifications or certifications shall be borne by the applicant.

(d) Equity Pertaining to New Facility. An application by a going concern for permission to sell deposit subscriptions on continuing care contracts shall include in its statement an account of the portion, or portions thereof, which shall be devoted to the new facility.

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## 42983. FINANCIAL STATEMENTS. (Continued)

(e) Consolidated Statement. The audit report shall include a consolidated statement, in addition to individual financial statements, if the applicant has one or more subsidiaries or if the applicant is a subsidiary. The report should contain a balance sheet dated not more than 60 days preceding the filing date of the permit application. Additional audits may be required. An audit may be required to be certified.

(f) Sound Financial Basis. The applicant's plan of operation shall be soundly financed and funds shall be sufficient to maintain the standards of service required by regulations, to

meet operating costs and in addition, to provide adequate financing for construction. The scope and size of the applicant's services shall be such that an adequate quality of service will be permitted from available funds.

(g) Five Year Cash Flow Statement. Receipts and expenditures of money shall be in accordance with sound budgeting. A five-year cash flow statement shall be included in the financial plan of operation. The statements should include property and income tax estimates to show that operations will not be adversely affected to a degree materially changing its economic position if proposed or future tax exemptions are not granted to the applicant.

(h) Schedule of Rates and Fees. A schedule of the proposed resident rates and fees shall be submitted with the permit application.

42985. STATEMENT OF ESTIMATED INCOME AND EXPENDITURES. The statement of estimated income and expenditures for the first year of operation shall present sufficient detail to clearly show the amounts and sources of all income and the nature and amount of all expenditures by months. Services of staff shall be divided into general functional classifications, such as: executive and administrative, medical and nursing, food services, recreation, house-keeping and maintenance, and grounds and gardens. The estimates shall include sufficient staff for vacations and regular time off replacements for all employees.

42987. LOAN COMMITMENT. If the applicant expects to finance construction by a mortgage, a copy of the loan commitment(s), or an affidavit by a loan officer of the prospective lending agency should be submitted with the permit application. If an FHA loan is contemplated, a copy of the FHA insurance commitment should also be submitted.

If the applicant already has a mortgage(s) on the property, a copy of the mortgage(s) shall be submitted. When property is to be leased, the proposed lease agreement shall be submitted for the department's approval.

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